OIL IN GHANA: A CURSE OR NOT? EXAMINING ENVIRONMENTAL JUSTICE AND THE SOCIAL PROCESS IN POLICYMAKING

Gordon Akon Yamga

Dissertation Prepared for the Degree of

DOCTOR OF PHILOSOPHY

UNIVERSITY OF NORTH TEXAS

May 2018

APPROVED:

Adam Briggle, Committee Co-Chair
Patricia Glazebrook, Committee Co-Chair
Eugene Hargrove, Committee Member
Douglas Anderson, Chair of the Department of Philosophy and Religion
David Holdeman, Dean of the College of Liberal Arts and Social Sciences
Victor Prybutok, Dean of the Toulouse Graduate School

Akon Yamga, Gordon. *Oil in Ghana: A Curse or Not? Examining Environmental Justice and the Social Process in Policymaking*. Doctor of Philosophy (Philosophy), May 2018, 210 pp., 2 figures, bibliography, 169 titles.

There is great expectation that oil development in Ghana will catapult the nation towards prosperity and lead to drastic improvement in the wellbeing of Ghanaians. However, there is also concern that Ghana could fail to achieve these due to the resource curse notwithstanding the fact that scholars of the curse have yet to agree on the inevitability of the curse. Resource curse scholars adduce different reasons for its occurrence or absence. One thing common among the scholars, however, is that none discusses environmental justice in the context of the curse. In this dissertation, I examine Ghana's attempts at avoiding the resource curse through policymaking and implementation using the Guidelines on Environmental Assessment and Management of Ghana's offshore oil sector as a case study. I argue that a strong environmental justice frame is required to avert the curse in Ghana. Specifically, I assess the policy process in Ghana's oil sector, the institutional framework for managing the sector, and analyze the perception of environmental justice for policymaking. The outcome of these assessments show that although the policy process requires broadening for full and effective participation, Ghana has checks and balances policies to avert the resource curse and to deliver environmental justice in the oil sector. In addition, Ghana has an institutional framework that requires strengthening, in various way, in order for it to complement the checks and balances policies.

ACKNOWLEDGEMENTS

I am extremely indebted to my Dissertation Committee for their guidance that has seen to the successful completion of this project. I am very grateful to Dr. Patricia Glazebrook for her belief in me and this project, her encouragement, patience, detail feedback, persistence, directions, and moral support. I am equally grateful to Dr. Eugene Hargrove and Dr. Adam Briggle for their invaluable contributions and support. I am grateful to the Richardson Environmental Action League (REAL) Fellowship for supporting my project with a travel grant to complete my research for the project. To the professors and staff of the Philosophy and Religion Studies Department, I extend my appreciation for their support and assistance throughout my years of study and stay in Denton. To Dr. George Essegbey of the Science and Technology Policy Research Institute of the Council for Scientific and Industrial Research (CSIR-STEPRI), Ghana, I would like to thank for his moral and administrative support, and wise counsel. I would like to thank my partner in life, Antoinette Yenma Akon-Yamga, for all she had to bear, her encouragement, and support while I was working to complete my studies. To our daughters, Napoka and Yinmmaale, I appreciate you, for you have been my source of strength and tenacity. To my parents, brothers, and extended family members, I appreciate the encouragement and prayers. To all my friends, in Ghana who kept in touch via WhatsApp and those in Denton, TX, I am grateful for all the fun and encouragement. For all these that I am grateful, I give greater thanks to God. He made everything possible

TABLE OF CONTENTS

Page

CHAPTER 1

INTRODUCTION

1.1 The Promise of Oil

The Government of Ghana, international financial institutions, and the people of Ghana all anticipate that the 2007 discovery of oil off Ghana's shores will make the country richer. This dissertation examines the policy context of Ghana's oil industry in order to assess that promise in terms of the impacts of oil development on the people of Ghana. In short, will Ghana avert the curse of oil wealth or not? Moreover, how might governance and ensuing policy approaches ensure Ghana averts the curse? I argue that failure to consider an appropriate environmental justice frame renders policymaking and governance inadequate to ensure that Ghana's oil benefits its peoples.

In this introduction, I first situate anticipation of the benefits to Ghana's economy of oil development against its economic realities. Then I provide a brief explanation of the resource curse debate, which I analyze in detail in Chapter 2. Next, I explain the objectives of the case study of Ghana and I then assess Ghana's previous experience with resource development in its gold and diamond mining industries. Finally, I describe my theoretical framework and research methods before providing an overview and rationale for the chapters to come.

1.2 Ghana's Economy after Oil Production

In 2004, Ghana reached the completion point of the International Monetary Fund's Enhanced Initiative for Heavily Indebted Poor Countries (HIPC) (IMF 2004). The World Bank sets the threshold between HIPC and middle-income countries at a per capita national income of between $1006 and $3, 975 USD (United Nations, 2012, cf.

Felipe, Abnon, and Kumar 2012). In 2011, Ghana climbed out of HIPC status to become a lower middle-income country after the country recorded the per capita gross national income required for this change in status (World Bank 2013). This achievement was largely due to 2010 production and export of crude oil that injected revenue into Ghana's economy. This newfound wealth, however, did not alleviate Ghanaian poverty. Because the middle-income status does not reflect the living conditions of Ghanaians, it cannot be considered 'real'; it is 'artificial' in the sense that Ghana's economy was not yet productive enough to mature into a middle-income economy.

Indeed, since 2009, Ghana's currency, the Ghana Cedi, has depreciated steeply against its major trading partners. For instance, the Cedi depreciated against the US Dollar by 29.3% in 2013 and 31.2% by the end of September in 2014 (Government of Ghana 2015, 13), and experienced a cumulative depreciation of 9.6% in 2016 (Government of Ghana 2017, 17). In addition to the depreciating Cedi, Ghana's public debt stock continued to rise steeply since 2009. The country's public debt stock as a percentage of Gross Domestic Product (GDP) in 2009 was 36.3%, rising to 48.03% and 55.53% in 2012 and 2013 respectively. At the end of 2016, Ghana's public debt stock stood at 73% of GDP (Government of Ghana 2017, 28). Signs of Ghana's deteriorating economy are also reflected in rising inflation attributable to the depreciating Cedi. Inflation rose from 13.5% in 2013 to 16.9% at the end of October of 2014 (Government of Ghana 2015, 13), rising further to a peak of 19.2% in March 2016 before a slight decline to 17.7% at end of 2016 (Government of Ghana 2017, 14).

In view of the dismal performance of Ghana's economy since 2009, the country approached the International Monetary Fund (IMF) for an economic bailout in September 2014 (Ghana Web, 2014). This situation has led to suggestions that Ghana

has already started experiencing effects of the Dutch Disease (Center for Policy Analysis 2012), i.e., the resource curse. This situation also buttresses the argument that Ghana's attainment of lower middle-income status is artificial.

1.3 The Resource Curse

The ultimate goal of this project is to engender discussion on ways Ghana can mainstream environmental justice in oil policymaking. I undertake this exercise by highlighting the dearth of environmental justice in discourses on natural resources management. Discourse on the role natural resources play in the development of natural resource-endowed countries is one that will not go away soon, despite having a long history. This discourse has taken the form of a debate. At one end of this debate is a group that defends a position that natural resource wealth is disadvantageous to the development of resource-endowed countries (resource curse). At the other end of the debate is another group that is skeptical of the resource curse argument, holding the position that natural resources have a positive impact on the development of resource-endowed countries. Often based on econometric analyses, the former group argues that there is a tendency for resource-endowed countries to fail to harness their natural resources for national development with concomitant harm caused to their economies. Conversely, the latter group advances the argument, also supported by empirical studies, that on balance, there is a positive effect of a large endowment of natural resources on the long-term economic growth of resource-endowed countries. In Chapter 2, I provide a detailed discussion of these two positions.

Notwithstanding these positions, as to whether natural resources are a curse or not to resource-endowed countries, it is undeniable that natural resources affect the

development of countries that possess these resources, and that certain factors determine whether the resources would lead to a curse or not. Hence, it is important to gain better and deeper understanding of these conditions in order to obtain a sense of direction of how natural resources can contribute to the development of countries endowed. The importance of this task cannot be overemphasized considering that many developing countries depend on natural resources for their national income. Furthermore, literature on this subject emphasizes the political factor (governance) as the key factor that resource-endowed countries must address in order to avoid the resource curse. Meanwhile, analyses of experiences of countries that have pursued this path, to serve as valuable lessons to natural resource-endowed poor countries seeking to reduce poverty levels of their citizens, are non-existent.

Furthermore, the resource-curse debate spells out conditions that make possible the curse or not. Most of these conditions fall into three categories—economic, political, and the nature of the resource. In economic terms, a common explanation is that oil booms promote temporary economic busts that affect economic growth of resource-endowed countries in the long-term by crowding out other productive sectors of the economy. This phenomenon is widely known as the “Dutch disease” effect (Barbier 2003, 264). Several versions of the Dutch disease exist. The expression, “the Dutch disease,” was coined in 1977 to describe a decline in manufacturing in the Netherlands following discovery of a large natural gas field. In sub-Saharan Africa, there is likewise increasing evidence of negative impacts of resource wealth. Countries with abundant resources have been shown to experience less socioeconomic growth than those with fewer (Auty 2001; Gylfason 2001; Humphreys, Sachs, and Stiglitz 2007; Karl 1997; Karl 1999), and oil wealth impacts appear

especially severe (Sachs and Warner 2001). McFerson (2009) blames weak public integrity and "hyper-corruption" that restricts political and civil rights and causes excessive, discretionary regulation of economic activity. Thus, exacerbating effects of the Dutch disease are political conditions of poor governance and corruption (Shaxson 2007), and conditions of the third category of explanation—nature of the resource. Boschini et al. (2007) explain that the type of natural resource a country possesses plays an influential role in determining whether the country would encounter curse or not

Many reported cases of the resource curse are in developing countries in sub-Sahara Africa. Some of these countries, including the Democratic Republic of Congo, Sierra Leone, the Sudan, and Nigeria, are rich in different types of natural resources (mostly minerals); yet they are among the poorest countries in the world. It is therefore important that the world community assist these countries, and many others in the world, to find poverty reduction strategies through positive contributions from natural resources. This is imperative, considering that poverty eradication was the number one goal of the United Nations Millennium Development Goals (MDGs), and is the first target of the Sustainable Development Goals. Hence, the resource curse debate is not only a theoretical academic exercise; it is a debate that could yield practical outcomes for poverty reduction.

Finally, in the resource curse discourse, one important issue—environmental justice—has been overlooked; environmental justice is not among the list of factors adduced by either side of the resources curse debate. Yet, although environmental justice issues are rife in many of the countries reported as facing the resource curse, the phenomenon does not get as much attention in the resources curse discourse as compared to other issues such as natural resources revenue management, political

governance, and corruption. I argue that analysis from the framework of environmental justice can provide deeper understanding of the factors responsible for the curse of natural resources, and accordingly suggest ways to address environmental justice issues. Thus, I argue that one strategy of poverty reduction by avoiding the curse of natural resources is to address environmental justice issues in natural resources management—from exploration, extraction, processing, to exporting

1.4 Objectives

In this case study of Ghana, I seek mainly to examine the process of establishing governance frameworks, i.e., policies, plans, programs, regulations, and guidelines for Ghana's oil sector. Using the Guidelines on Environmental Assessment and Management of Offshore Oil and Gas Development in Ghana (GEAM) as my focus of analysis of policy documents, I investigate the extent to which and how environmental justice issues are captured in governance frameworks of Ghana's oil sector. My choice of the GEAM is for the purposes of using the document to trace the trajectory of policy formulation in Ghana's oil sector pertaining to environmental management. Moreover, I am of the conviction that the GEAM is an important document that ought to articulate environmental justice issues. Hence, the GEAM, and the process leading to its development constitute a major case study to investigate the role of the social process of policymaking in anticipating, identifying and addressing environmental justice issues in Ghana's oil sector. In addition to the GEAM, I analyze other governance frameworks to identify and assess environmental justice issues in Ghana's embryonic oil sector.

A cross-cutting theme and general goal for this study is identification of challenges and lessons in Ghana's oil policymaking process with respect to

mainstreaming environmental justices into policies. The specific objectives to achieve for the case study are:

- Mapping policymaking process in Ghana's oil sector while identifying how the GEAM fit in that context;
- Assessing Ghana's institutional framework for addressing, overall, environmental issues in the oil sector; and
- Analyzing the perception of environmental justice among policymaking institutions in Ghana.

I commence the case study by mapping the policy process of the GEAM in order to understand the rationale behind policy choices while drawing attention to gaps in the process as well as the GEAM itself. I show that the process was inadequate because it was not participatory enough and did not consider environmental justice. Hence, the document produced from the process does not adequately articulate a complete framing of environmental justice, just as the other governance documents I analyze. I argue that environmental justice issues are important components that can affect the direction of whether oil becomes curse in Ghana or not, and that environmental justice issues must be brought into the spotlight and stated clearly in future policies, regulations, and guidelines for Ghana's oil and gas sector.

1.5 Why Ghana?

Ghana is a developing country that joined the ranks of oil-producing nations in 2010. Ghana's entry into commercial oil production in 2010 was met with great expectations across the lengths and breadths of the country. When production started, projections suggested the country could be reaping more than a billion dollars per year from the 2007 discovery alone. But oil has been identified elsewhere in Africa as a

curse rather than being a blessing due to its role in corruption, conflict, and environmental devastation (Glazebrook and Kola-olusanya 2011; Glazebrook and Story 2012). In view of this, the Government of Ghana set out to avoid the curse by proposing policy initiatives to ensure Ghanaians benefit from the burgeoning business of the nascent industry.

One outcome of the policy initiatives by Government of Ghana is the production of Guidelines on Environmental Assessment and Management (GEAM) of Offshore Oil and Gas Development in Ghana, prepared by the Environmental Protection Agency of Ghana. The purpose of the GEAM is "to ensure the sustainable development of [Ghana's] offshore oil sector and also contribute towards the sound environmental management in the oil sector" (Environmental Protection Agency 2011, v). The GEAM and other policy documents set Ghana on the path of establishing governance frameworks to govern and manage oil resources as a way to avoid the curse of natural resource-endowment. Ghana is therefore a suitable case study to investigate whether neglect of environmental justice issues weakens governance approaches and make them ineffective to prevent the resource curse.

I examine Ghana's experiences so that other sub-Sahara African nations would take lessons from Ghana. Ghana is one of many African countries that depend on natural resources for national income. The Ghanaian experience affords opportunity to argue that processes aiming to establish governance frameworks, i.e., policies, regulations, and guidelines, in the oil sector perpetuate the status quo of overemphasis on avoiding conflict and corruption, and overlooking environmental justice issues evident in natural resources extraction elsewhere in sub-Sahara Africa. Given its history with mining, even Ghana is at risk of encountering the resource curse if the country

does not take deliberate and proactive steps to address environmental justice issues in its oil development policies and programs. The next section provides a brief overview of the impacts and challenges of Ghana's mining sector to identify environmental justice issues that should not be reproduced in the oil industry.

1.6 Mining Impacts in Ghana

In 2011, Ghana was ranked as the 10th and 13th largest producer of gold and diamonds respectively (US Geological Survey 2013). Natural resources constituted the largest share of Ghana's GDP until the service sector eclipsed natural resource industries. In spite of the services sector contributing more to Ghana's GDP than any other sector, Ghana's major export earnings still come from natural resources. Gold, cocoa, crude oil, and timber accounted for 82% of total export earnings in 2012 (KPMG 2013, 3). This trend does not look likely to reverse any time soon. Rather, projections indicate that natural resources will continue to fetch most of Ghana's foreign earnings, with crude oil expected to lead in the near future given the discovery of more oil deposits in Ghana.

Though Ghana's oil production is expected to double in the next decade (World Bank 2013), gold presently leads in terms of contributions to Ghana's foreign exchange earnings. The metal is not the only mineral extracted in the country; Ghana is rich in other minerals including manganese, diamond, bauxite, limestone, silica salt, and salt. These are mined in commercial quantities, while there are deposits of iron ore and other industrial metals in the country that have yet to be exploited (Akabzaa, 2009). Thus, Ghana's mineral extraction industry is wide, and it has a long history.

In spite of a long history of mining in Ghana, it was only after reforms in the country's mining sector in the 1980s that the country saw exuberant activity in the sector. The recent exuberant activity and interests in Ghana's offshore oil resources mirrors the experience of the mining sector in the 1980s. For example, the oil sector is experiencing significant increase in foreign direct investment, as happened in the 1980s in the mining sector. This increase has given rise to the perception in Ghana that the oil sector will alleviate poverty in Ghana. Consequently, there is a general national expectation of better returns from the oil sector than has been obtained from mining so far. Yet, mining in Ghana has produced mixed impacts in the country.

In 1983, under the auspices of the World Bank and the IMF, Ghana undertook macroeconomic reforms that included sector-specific reforms, including the mining sector. Between 1984 and 1995, there were major institutional and policy reforms in the mining sector that gave considerable incentives to investors (Amponsah-Tawiah and Dartey-Baah, 2011). As a result, the sector grew and did not only impact Ghana's overall economy, but it also impacted the social, economic, and ecological aspects of communities in which mineral extraction took place.

The nature of impacts from mineral extraction on communities in Ghana is not straightforward. No consensus exists on the net benefits of mining to Ghana, either to the overall national development or to the development of communities in which mining takes place. Mineral extraction has had positive and negative impacts on communities, and no consensus exists as to whether the overall impact is positive or negative. Mining companies, government agencies promoting mining, mining sector consultants, some academics, and some traditional rulers share the opinion that mining contributes immensely to national development and poverty reduction. Benefits include

employment; promoting commerce; provision of infrastructure such as schools, roads, drinking water, and electricity; and payment of royalties to chiefs on behalf of communities.

Yet there is consensus that communities have not benefited as much as they should have from local mineral wealth. For example, mining activities have failed to meet the aspirations of the local people in providing employment: most are surface mining that is not labor intensive and employs few people (Akabzaa and Abdulai 2001). Further aggravating this situation is that employees of many mining companies were laid-off after the Government of Ghana divested interests in mining companies following the sector reforms, and there continues to be retrenchment in the mining sector whenever prices of minerals decline on the international market. The result has been increased unemployment and a widened income gap in mining communities.

Several anecdotal and empirical studies report that mining communities in Ghana have been afflicted with further negative impacts from mining activities on local economies and livelihoods, social organization, and health and environment (cf. Akabzaa and Abdulai, 2001). Concerning economic impacts, skeptics accordingly argue that mining has not led to integrated development and livelihood security in Ghana (Akabzaa, 2009). For instance, in a case study of mining communities in the Asutifi District of the Brong Ahafo Region, Lawson and Bentil (2013) report of communities displaced from their lands. This displacement denies members of the communities their source of livelihoods and presents them with the discomfort of having to relocate and abandon land they have dwelled on from generations—land that also has cultural significance and value to them.

Exacerbating problems of displacement and denial of homesteads and agricultural lands, displaced communities are often dissatisfied with the levels, coverage, and eligibility criteria set up for paying compensations to them for losing their lands to mining. Lawson and Bentil (2013) report of communities' discontent with the amount of compensation paid to them and the items considered during their property valuations process. In addition, Akabzaa (2009) reports that, compensations to mining communities often treat women unfairly and alienate tenant members of communities. These economic impacts manifest disregard for distributive justice, especially with respect to gender justice.

Concerning negative social impacts, mineral extraction has had adverse impacts. Appiah and Buaben (2012) report a rise in social problems in mining communities that they attribute to mining activities. Their report buttresses observations by Akabzaa and Abdulai (2001) that the social organization and cultural values of the people of Tarkwa township have been adversely impacted my mining operations in and around the town. Inhabitants of the township have raised concerns about inadequate housing due to the influx of migrant workers, youth unemployment, family disorganization, increasing rate of school dropout, and illicit drug use in the township (Amponsah-Tawiah and Dartey-Baah 2011; Akabzaa and Abdulai 2001). All these factors contribute adversely to mining community economies.

With respect to health and environmental impacts, moreover, studies carried out in four major river basins (Ankobra, Bia, Prah, and Tano) in the mining enclave of Ghana concluded that mining effluents were discharged into rivers that drain these basins (Amakye, Larmie, and Smit 2007). Most of Ghana's gold comes from mining areas that are drained by the Ankobra, Pra, and Tano Rivers (Donkor, Bonzongo,

Nartey, and Adotey, 2006). The Prah River has higher levels of arsenic than recommended by the World Health Organization (WHO) for safe drinking (Amakye, Larmie, and Smit 2007, 10). A study of the drinking water of Tarkwa, Ghana's historic mining township, discovered arsenic and manganese contamination above the WHO's guidelines, thus putting human health in Tarkwa at risk (Asante et al. 2007). Momade and Darabor (2007) made similar findings in the Ashanti Gold Belt that concentrations of iron, manganese, and mercury in some surface water bodies, wells, and boreholes exceeded WHO safety guidelines. They also discovered increased acidity. High concentrations of heavy metals and arsenic in drinking water are detrimental to human health and correlated with higher incidence of cancers (Fernández-luqueño et al.(2013).

Health risks from mineral extraction in Ghana arise not only from contamination of drinking water, but also from other mining activities. In Akwatia, the historic diamond-mining township of Ghana, health risks associated with diamond mining were reported although diamond mining does not require use of chemicals. In a case study of mining and health in Ghana, Yelpaala (2004) questioned the extent to which mining activities had improved the quality of life in Akwatia and concluded that diamond mining in Akwatia had led to land degradation, which resulted in negative impacts on the health of inhabitants of Akwatia. Specifically, Yelpaala (2004) reported the incidence of malaria cases in Akwatia, which he related to the creation of ponds associated with diamond mining. These ponds held water conducive as breeding grounds for mosquitoes that transmit the malaria parasite. In addition, Yelpaala (2004) reported increased incidence of respiratory tract ailments due to dust particulate matter suspended in the air in Akwatia, a situation also associated with mining activities in other parts of Ghana as well (Amponsah-Tawiah and Dartey-Baah, 2011).

In outlining adverse impacts, I am not denying positive impacts mining activities have had on surrounding communities and on Ghana's national economy; rather, I argue that negative impacts obliterate the positive. In a breach of distributive justice, mining communities bear the cost of mining disproportionately with respect to their livelihood, community thriving, health, and life satisfaction, while reaping little from the benefits mining provides. The harms are caused by exploitation of natural resources that contaminates local environments. Environmental justice is, as discussed below, the thesis that environmental issues are also social issues, and Ghana's environmental damage caused by mining has brought with it economic and livelihood losses as well as social deterioration of communities, on top of issues in human and ecosystem health. Hence, the assessment of mining in Ghana reveals the presence of negative impact of mining activities in Ghana that constitute environmental justice issues that require attention.

My argument may be questioned to the extent that the impacts of mining operations on surrounding communities are localized and limited to those mining communities, and insignificant in light of the mining sector's substantial contribution to the national economy through foreign exchange earnings. Such criticism is flawed, because Ghana is not comparable to countries such as South Africa and Australia whose economies and infrastructures were built on mining and have been sufficiently developed and successfully raised the standard of living for the majority of their citizens. Ghana is still developing, and its gains are not sufficient to justify the harms to some people. Moreover, the negatively affected communities in Ghana are rural and poor; this criticism precisely breaches the principle of distributive justice by attempting to justify benefit elsewhere at expense of marginalized populations.

In summary, I have provided evidence that Ghana has not benefited from mineral extraction as much as the country should have. I have presented macroeconomic indicators that show that Ghana remains poor in spite of substantial mineral resources endowment. And I have documented how communities where mines are located suffer negative externalities with respect to environmental degradation, economic status, social well-being, and health.

The issue at stake in this dissertation is whether oil wealth will likewise do more harm than good for the people of Ghana. The issues I have discussed show that the negative externalities of mining are environmental justice issues. Civil society organizations, such as the Wassa Association of Communities Affected by Mining (WACAM), for example, have raised environmental justice issues in the wake of numerous negative externalities affecting mining communities. WACAM was in fact formed in response to community experience of just such negative environmental justice impacts. Yet theorists and policymakers have rarely acknowledged environmental justice as a fundamental issue in managing mineral extraction industries. Mistakes, oversights, and injustice in Ghana's mining sector are likely to be replicated in oil development if deliberate action is not taken to address issues of environmental justice through policy and governance processes. At present, Ghana's oil production is offshore; however, the associated gas is piped onshore for processing. Furthermore, plans are far advanced to explore and develop oil deposits onshore in the Volta Basin (Nyavor 2016), and Ghana's oil sector is growing steadily. Addressing environmental justice issues in the sector must also progress accordingly.

1.7 Theoretical Framework

Most existing analyses of the resource curse in connection to Ghana's oil development are from the economic perspective of enclave theory. Although the enclave theory is good for identifying problems with natural resources development, the theory falls short in providing means to address the problems. Ferguson (2005) argues that extractive industries in Africa operate in secured enclaves that insulate these industries from the rest of society. Ackah-Baidoo (2012; 2013) argues that Ghana's current oil industry operates as an enclave that makes it difficult to integrate the industry activities and economic returns into the broader Ghanaian society. For instance, Ackah-Baidoo (2012, 158) argues that because Ghana's oil industry is an enclave, oil companies would find it difficult developing and targeting communities with their corporate social responsibility programs. Moreover, there is a tendency of the enclave industry to shield oil operators within it from the daily concerns of local communities, which requires government to bridge the gap (Ackah-Baidoo 2013).

My original contribution is to assess relations among governmental (agencies), local communities, and oil companies in the context of participation, broader impacts on public health, safety, benefits, and harms in the frame of environmental justice. This assessment is warranted in view of limitations of the enclave analyses of oil development in Ghana, which I find environmental justice a fitting theoretical framework for this dissertation. In what follows, I provide a clear understanding of what I mean when I use "environmental justice" in this dissertation.

1.8 Conceptualizing and Framing Environmental Justice

Environmental justice comprises theoretical underpinnings that emanate from philosophy, cultural studies, social sciences and biology, and thus provides a number of notions (Figueroa 2008). From a philosophical perspective, environmental justice's pursuit of "principles of distributive fairness" (Figueroa 2008, 342) can be perfectly situated in the ideas of justice postulated by Aristotle. For instance, in Book V of the *Nicomachean Ethics,* Aristotle discusses two forms of justice. One being distributive in which benefits and burdens are divided among members of the society in a fair manner, and the other being corrective justice that seeks restoration of lost fair balance in interpersonal relationship (Aristotle 1999). As would be seen in the following, conceptualizing environmental justice relies on the Aristotle's perspective.

However, in spite of the continuity from Aristotle's perspective of justice in conceptualizing environmental justice, there are several points of differences between Aristotle's definition and the environmental justice frame. For instance, "Environmental justice" is a fluid and flexible concept that is framed differently over space and time (Walker 2012). As a consequence, several definitions and understandings of environmental justice exist (Callewaert 2011). Furthermore, complicating the multiplicity of definitions of the concept are the different understandings of "justice" in environmental justice, for which Schlosberg (2007) attempts to clarify what "justice" means in environmental justice. In addition to the geographic and temporal contexts, social issues affect the conception and scope of an understanding of environmental justice. Environmental justice issues are local and thus require an understanding of the concept that reflects the unique local context of usage. Apart from these, the history of

environmental justice, as it emerged in the United States (U.S.), played a significant role in its (different) framing and scope around the world presently.

Accounts of the history of environmental justice as it emerged in the U.S. as a movement (cf. Figueroa [2008] and Schlosberg [2007] for an expanded account of the history of environmental justice in the United States), identify elements of environmental justice as far back in history as the 1800s in public health initiatives. In the United Farm Workers' activities in the 1960s and in activities relating to the Love Canal in the 1970s and 1980s (Schlosberg 2007; Gottlieb 1993), environmental justice concerns were raised. However, the environmental justice movement was born in the 1980s after "the relationship between social and environmental reforms became the focus of political controversy" in the U.S. Ever since, there has been a growing interest in environmental justice (Figueroa, 2008; Figueroa and Mills, 2001, p. 428). Apart from environmental justice, "environmental racism" is another term that surfaced in the 1980s (Fredericks 2012, 117). Although this phrase was used interchangeably with environmental justice in the past, Schlosberg (2007) notes that the environmental racism movement popularized environmental justice.

At present, and despite its many definitions, "environmental justice" has been used: as an objective of policy formulation; as a campaign slogan for activism; and to describe a field of academic study. However, though emerging as a movement, "environmental justice" is often defined in academic, activist, and policy literature as an objective: "something that is sought after and for which certain conditions are specified" (Walker 2012, 8). For instance, according to Bryant (1995):

> Environmental justice refers to those cultural norms, values, rules, regulations, behaviours (sic), policies and decisions to support sustainable communities, where people can interact with confidence that their environment is safe,

> nurturing and productive. Environmental justice is served when people can realize their highest potential, without experiencing the 'isms'. Environmental justice is supported by decent paying and safe jobs, quality schools and recreation; decent housing and adequate health care; democratic decision making and personal empowerment; and communities free of violence, drugs and poverty.(Bryant 1995, 6)

Thus, the objective in this definition is for people to achieve "their highest potential." Although whatever that potential may be is open to contentious debate, the point is that Bryant (1995) sees environmental justice as an objective to pursue; and to achieve this objective, there are "certain conditions" such as rules, regulations, cultural values and norms, and policies that must support communities.

In addition, the U.S. Environmental Protection Agency (USEPA) operates with an objective-based definition of "environmental justice" as:

> Environmental Justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies … EPA's goal is to provide an environment where all people enjoy the same degree of protection from environmental and health hazards and equal access to the decision-making process to maintain a healthy environment in which to live, learn, and work.(U.S. Environmental Protection Agency 2017, n.p.)

There are multiple objectives in the USEPA's definition. The objectives include to attain equal level of treatment and participation that ensure same level of environmental and health protection for all persons, and provision of equal access to all persons of the environmental decision-making process.

Figueroa (2008) discusses environmental justice as a movement; yet he provides an objective-based definition of the concept to say: "environmental justice, in theory and in practice, addresses a wide range of issues, combining the concerns of social justice and environmentalism" (341). Thus, for Figueroa (2008), the objectives in environmental justice are reflected as issues cutting across social and environmental concerns that

need attention, with the environment seen not only as a physical entity, but also as a construct of political and social relationships. For Fredericks (2012), the principal objective of environmental justice is the quest for justice—reversal of injustice—for certain marginalized populations. Thus, according to Fredericks (2012):

> Environmental justice counters distributive and participatory injustice, in which certain demographic groups, generally people of color and the poor, are harmed by environmental burden without significantly benefiting from or participating in activities that caused the damage to environments, human bodies, and communities. (Fredericks 2012, 117)

Fredericks (2012) identifies the injustices in environmental justice to manifest in two principal ways: burden of environmental harm, and denial of benefits from activities causing harm. However, it is not always easy to discern what is at stake for which justice is being sought in environmental justice. Often, contestations arise about the state of affairs and claims of what is unjust. In this regard, Walker (2012) argues that evidence for what is considered unjust in environmental justice is often tainted with politics: “disputes can open up due to different claims…such disputes are often ideological or political” (8). In making a claim of injustice under the auspices of environmental justice, one needs to be aware of and navigate the political and ideological nuances.

Moreover, three elements need accounting for when making environmental justice claims, namely, justice, evidence, and process. Justice, here, is the normative aspect of environmental justice that addresses the question “how things ought to be.” Evidence is the descriptive aspect that shows “how things are.” And process provides explanations for “why things are the way they are” (Walker 2012, 40).

At the core of environmental justice is “justice”; yet, several theoretical understandings and conceptions of “justice” exist. As pointed out earlier, the idea of

justice was of importance to the ancient Greek philosophers. For the contemporary ideas of justice, I contrasts ideas of John Rawls and Amartya Sen. Rawls (1971) looks at justice as fairness—a distributive perspective of justice—in *A Theory of Justice*. Rawls' (1971) perspective on justice relies on an ideal society, in which he presents his conception of justice in a systematic manner. This understanding of justice has been described as idealistic. In this perspective, Rawls (1971) outlines principles of justice that he says "provide a way of assigning rights and duties in the basic institutions of society and…define the appropriate distribution of the benefits and burdens" in society (Rawls 1971, 4). Thus, in Rawls's ideal society, the principles of justice should be capable of distributing environmental benefits and burdens. But this has not been the case in practice, as is evident in view of numerous reports of environmental justice concerns worldwide.

Sen (2009) critiques the idealistic conceptions of justice, which he calls *transcendental institutionalism* of justice (italics in original) (Sen 2009, 7). For Sen (2009, 5), transcendental institutionalism cites and defends principles of justice in search for a "perfect justice." In addition, transcendental institutionalism focuses on basic institutions, not on "the actual societies that would ultimately emerge" (Sen 2009, 6). Sen (2009, 7-8) investigates the concept of justice as "a *realization-focused comparison* … [which] focuses on the advancement and retreat of justice" (Sen 2009, 8). Thus, Sen (2009) is concerned about what social organizations could actually emerge, and then compares these social organizations in search for a better just realization that focuses on "advancement," i.e., improvement of justice, rather than "retreat," i.e., decrease in justice an increase in injustice. Here we are, then, with two perspectives of "justice" that, somehow, are at variance. Whereas Rawls (1971)

espouses an ideal conception of “justice,” Sen presents what I would call a practical perspective of “justice.” Yet both perspectives are useful for the present assignment.

Notwithstanding the conceptual difficulties surrounding “justice,” the common understanding of “justice” in environmental justice literature is ‘trivalent’ (Schlosberg 2004, 521): justice as distributive, procedural, and recognition. Distributive justice deals with allocations of burdens and benefits in the environment. In dealing with distributive justice, typically, one must address three begging questions (Bell 2004): who are the recipients? What is to be allocated? On what basis/principle is the allocation done? In environmental justice, concern is not only about who has and who has not; but there is also concern for who determines who gets and who doesn’t. Problems of distributive justice are sometimes the outcomes of procedural injustice where stakeholders have no opportunity to participate in the decision-making process. Hence, procedural justice is “a necessary second concept of environmental justice” in addition to distributive justice (Walker 2012, 47).

Often, a third arm of justice in environmental justice claims—recognition justice—is over-looked when discussing or making claims. However, in arguing that the justice in environmental justice is trivalent, Schlosberg (2004), makes a case for the inclusion of recognition justice in equal measure as the other two (distributive and procedural), because misrecognition has the potential to lead to stereotypes, stigmatization, and exclusion of some groups of people. All these combine to affect the meaningful participation of people and their sharing of outcomes from decision-making processes.

In making claims for environmental justice, one has to describe how things are. Evidence must be given of what is unequal, how this inequality is unjust, and the patterns in which the inequality manifest are required in order to make a claim for

environmental justice. The nexus between evidence of inequality and claims of (in)justice is at the heart of environmental justice practice (Walker 2012). Quite often, an interpretation of evidence for environmental justice claim making is about stating the facts. However, stating the facts is not without controversy and contestations. Indeed, Shrader-Frechette (2002, 194) notes that “facts alone never determine all aspects of a situation…. and [facts are] saddled with implicit interpretations.” In the same breath, Shrader-Frechette (2002) cautions those who would want to claim objectivity and un-biasness by staying neutral that they should be wary. For a neutral position in itself is not objective: “there is no wholly neutral or value-free inquiry” (Shrader-Frechette 2002, 194).

There is no value free inquiry to provide evidence for environmental inequality claims, because such inquiry is a social process, a process noted for “selections, contingencies, and uncertainties” (Walker 2012, 54). Given this, then, how can evidence be useful in environmental justice claim making? Moreover, it is worth noting that the predominant source of evidence comes from empirical inquiry. In addition, since there are contestations even for empirical evidence, what would become of normative insights? Though they may have epistemic bases, it is important to understand that epistemic contestations of evidence for environmental justice claim-making, “has a politics, just as do other dimensions of claim-making” (Walker 2012, 63). Thus, delineating and understating the politics is important regarding how the evidence could be utilized.

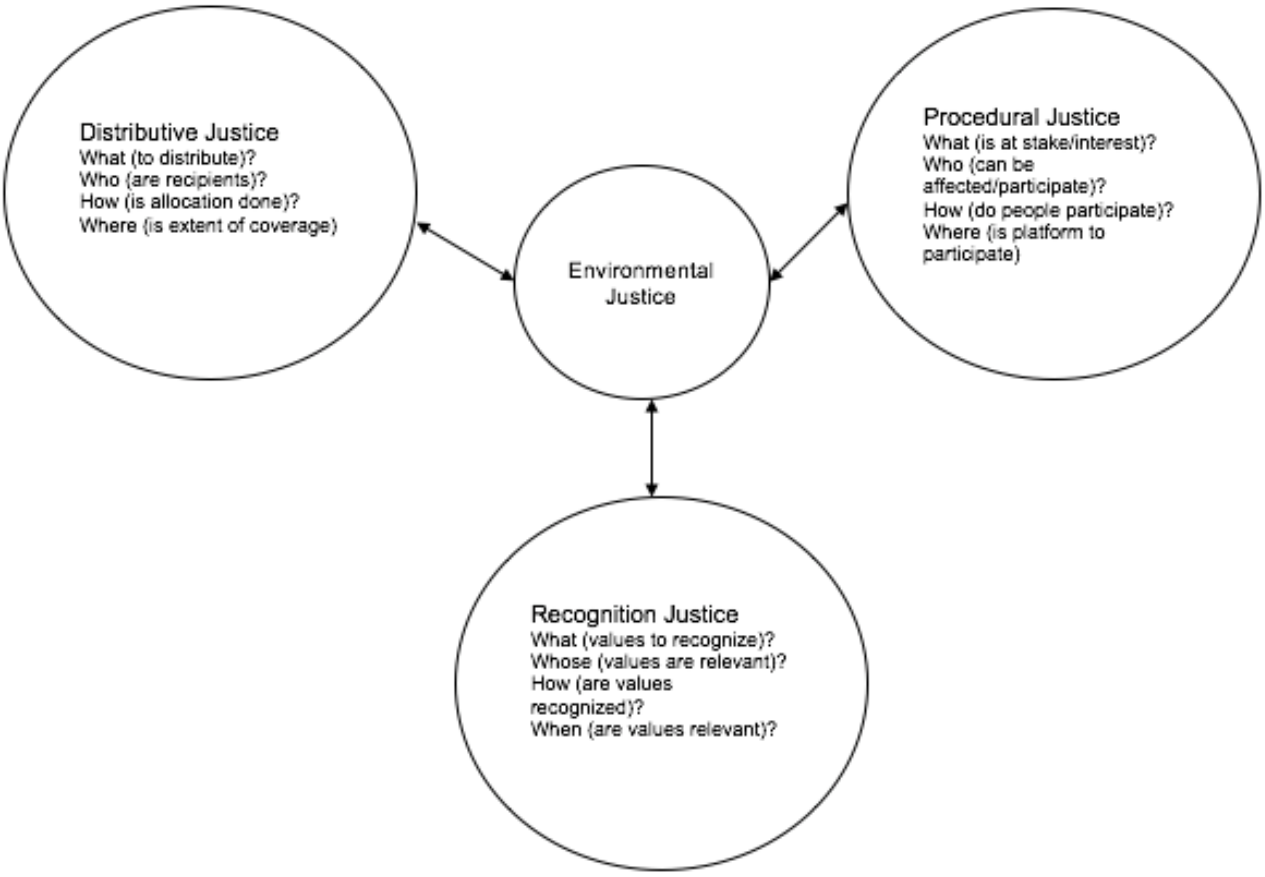
Process is the third element linked to evidence and justice in environmental justice claim-making. In process, explanations are provided about the sources, causes, nature, and patterns of environmental inequality and (in)justice. However, it would be

difficult to explain environmental inequalities simply because environmental inequalities arise from several interacting processes (Walker 2012). Process is not only useful for making claims of environmental (in)justice, but also for policymaking, because it is in identifying causal relationships or correlations that policy interventions can be made regarding environmental justice. Although I have discussed the three elements of environmental justice claim-making in isolation, it is important to underscore the fact that these three elements—justice, evidence, and process—are not mutually exclusive. They are interwoven in a complex process to achieve an objective—environmental justice, and this process in itself is environmental justice.

From the foregoing, it is evident that environmental justice can be defined as an objective, and I adopt its trivalent conception that seeks to attain distributive, procedural, and recognition justice (see Fig. 1). It is my argument that defining environmental justice as an objective – something to seek for – is the best way. I would argue this way because, by adopting an objective-based definition, milestones and other parameters could be established to gauge, analyze, and review the rate and scale at which (environmental) justice is being achieved. An objective-based definition allows for political and social mobilization around a phenomenon of common interest among a diversity of population; environmental justice could become the basis of common interest to organize people to achieve inclusiveness. That is, action or activist engagement in which environmental justice would be a process. In here, I am using the theoretical concept of justice as it pertains to environment as a framework for analyzing oil governance in Ghana. Nonetheless, it is important to keep in mind that environmental justice appeared in the U.S. in the second half of the 20th century first (and still) as an activist movement aimed at protecting “where we live, work and play”

(Novotny 2000, 3), so this analysis is focused on the environmental impacts of oil that affect Ghanaians on-the-ground, where they "live, work and play."

Fig. 1. The trivalent environmental justice frame



Furthermore, in an objective-based definition and understanding, environmental justice could be used to articulate different visions and set different missions relating to well-being (Walker 2012). The objective-based definition of environmental justice is appealing because it would be easier to design a just policy as against a just state of society (Noonan 2008). It is against this background—an objective-based understanding of environmental justice—that I seek to move away from the economic perspective of enclave theory towards an environmental justice analysis of the resource curse and Ghana's oil development

1.9 Methods

I have adopted two methods to address the objectives of this project: literature analysis and interview. One method is the review and interpretation of already existing texts: books, published and unpublished papers, reports, theses and dissertations, media and online sources, and any other texts I deem relevant to the objectives of the project. Chapter 2 presents a large part of the text analysis, including detailed analysis of the blessing-curse debate. The second method is field research in which I collected qualitative data through semi-structured interviews with identified key personnel in leadership positions who have knowledge of Ghana's oil industry and policy contexts. Since this study involves human participants, the project received approval from the University of North Texas' Institutional Review Board (UNT IRB approval number 14452) before fieldwork commenced.[1] The analyses I conduct in Chapters 3 and 4 are based on existing government reports, media coverage and laws about Ghana's oil industry, and qualitative data from the interviews I conducted in Ghana.

The methodology of this project represents some variations of hermeneutics as applied in qualitative research. Though philosophical arguments regarding acceptability of outcomes from qualitative research has waned, there remains some skepticism about outcomes of qualitative research methodologies. Therefore, it is pertinent to recall some of the reasons for which qualitative methods are useful for research in general and relevant for this project in particular.

First, qualitative research permits in-depth exploration of phenomena for deeper understanding (Babbie and Rubin 2011). For this project, I was able to ask interviewees

[1] Find the approval letters in Appendix A.

follow-up questions for clarity and better understanding of responses they were giving. Furthermore, qualitative research interview method suits my data collection process because the interviews allow me to obtain not only a description of the policymaking process in Ghana from the perspective of particular professions (or institutions), but it also allows me to gain a deeper understanding of what the policymaking process means or represents to the interviewees (professionals/institutions). In fact, the nature of the research is not census-style survey of a large sample group, but targetted information gathering from expert informants.

In comparison with quantitative data, the qualitative data obtained from the qualitative interviews possesses depth and "presuppositionless descriptions of…relevant themes" (Kvale 1983, 176). Descriptions are presuppositionless in terms of the interviewees not being overly influenced or induced by the researcher's own standardized questions. Thus, by adopting the qualitative research interview for this study, I am able to obtain deeper understanding of the policymaking process in Ghana from the perspective of different institutions that participate in the process without having to induce them with leading questions.

Second, qualitative research using semi-structured interviews focuses on themes; not strictly on structured questionnaire as with some quantitative methods. Semi-structured interviews allow interviewees to direct the research in a way the interviewer (researcher) may not have anticipated. Indeed, this was the case in my experience. Since I had questions to guide my interviews, there were instances that my interviewees discussed very pertinent issues relating to oil development in Ghana that I did not anticipate to ask about before the research commenced. Thus, qualitative

research interview allows for the discovery of unexpected, yet relevant knowledge during research.

Last, but not the least, qualitative research methods are flexible and cost-effective (Babbie and Rubin 2011), enabling the researcher to easily adapt the research given practical fieldwork or epistemic constraints. The flexibility feature was useful for my fieldwork as in some cases, I had to tailor some of the questions I had on my interview question guide. I did not have to ask all the questions on my question guide, because the structure of the interview allowed the interviewee to have a dialogue with the researcher. Because qualitative research does not require specialized equipment, the methods are cost-effective.

Qualitative research methods have their weaknesses and challenges that must be avoided. For instance, the method is imprecise, which means that interviewees may vary their description of phenomena within the same interview, thus yielding differing data to the researcher. Thus, qualitative data methods have issues relating to trustworthiness (Babbie and Rubin 2011). However, by interviewing other people and triangulating an interviewee's account with multiple sources and existing literature, the researcher should be able to overcome this weakness of qualitative research interviews.

Another challenge associated with qualitative research interviews is settling on the minimum number of interviews required for reaching understanding. Whereas in quantitative research there is agreement that a sample of thirty participants is the minimum required for analysis and conclusions to be drawn for research (normality); it is not the case with qualitative research. There are divergent views regarding the minimum number of interviewees required for qualitative research. Whereas researchers conducting quantitative research usually have an idea of the number of

participants they need in order to test their hypotheses, qualitative researchers often do not have this knowledge before they embark on their research (Baker and Edwards 2012). This is a challenge for qualitative research, especially when it is critiqued in contrast to quantitative research: that the number of participants in the interview is insufficient to draw any meaningful conclusion. Yet, for practitioners of qualitative research, the number of participants depends on the researcher's epistemological and methodological perspective in addition to a number of practical factors like resources, and time availability (Baker and Edwards, 2012). In spite of these challenges, it is qualitative research interviews that suit the present project.

Qualitative research interviews have been accepted as sources of (scientific) knowledge with some philosophical justification situated in hermeneutics. Moreover, the two methods I adopt for this project entail hermeneutic approaches since I am interpreting already existing text in the first place and interview material in the second. Originally used to interpret theological texts, hermeneutics as a theory of interpretation has been extended to other kinds of texts. For this reason, Ricoeur (1973) defines "hermeneutics" as "the rules required for the interpretation of the written documents of our culture" (91). In this sense, hermeneutics applies only to already existing texts. Also significant about Ricoeur's definition is that hermeneutics is a system of rules, which means the approach to interpretation of texts is systematic, not haphazard.

Hermeneutics has not only been extended to existing texts, it has been extended to encompass all human activity. Thus, according to Radnitzky (1970), "Hermeneutic human sciences study the objectivations of human cultural activity…with a view to interpreting them" (22). Hermeneutics, thus, extends to conversations as Gadamer (1975/2004) also argues. According to Gadamer (1975/2004), the process of arriving at

understating is conversation, and in the process of understanding (conversation) two people would have to completely “open [themselves] to the other” so much so that one “accepts the point of view” of the other. The culmination of this is that an understanding is reached whereby one understands not the person, but what the person has said. (Gadamer 1975/2004, 387). Although this is about conversation, Gadamer concludes that this applies to understating texts too.

1.10 Structure of the Dissertation

The remainder of the dissertation comprises four chapters treated as follows. In Chapter 2, I discuss the resource curse debate in detail by reviewing the literature. Here, I survey existing literature to shed light on the two sides of the debate as to whether the curse is real or not. I present and analyze arguments from scholars who posit that natural resource abundance is a curse to countries so endowed and analyses from scholars who argue that there is no curse of natural resources. I do not claim that that this review is exhaustive in terms of the authors I review; however, I review authors whose works are relevant to the objectives of this study and in a chronological manner. To complete the review, I add my own verdict about the resource curse debate, which is that no necessary causality exists between natural resource abundance and development since the positive or negative contribution of natural resources is contingent on several factors adduced by resource curse scholars. Moreover, since the literature overwhelmingly suggests that policy choice for good governance is key to averting the curse, I add that such policy choice must involve environmental justice.

Having established the theoretical basis of this dissertation in Chapter 1 and discussed the resource curse in Chapter 2, I begin to focus on Ghana as a case study

in Chapter 3. At the core of this chapter is an assessment of Ghana's policymaking process. Understanding the process is imperative to making judgements or assessments about whether the process is adequate or not in delivering specific goods, goods such as environmental justice in natural resources extraction. Furthermore, understanding the policymaking process enables analyses of specific policies, such as the Guidelines on Environmental Assessment and Management of Offshore Oil and Gas Development in Ghana (GEAM), in context. In the assessment, I discuss ways in which Ghana's policy process has affected the social process of the GEAM. Following from this, I assess the GEAM document to find ways in which it addresses environmental justice, and serves as a mechanism for checks and balances and good governance of Ghana's oil sector; I then provide a critique of the GEAM policymaking process and complete the chapter by highlighting key challenges facing Ghana's policymaking process. Although on face value the GEAM is unenforceable, I show in Chapter 4 that its background documents are enforceable which makes the GEAM's unenforceability trivial. Because the GEAM to a large extent is a collection of approaches that are enforceable and thus support accountability in the oil sector.

In Chapter 4, I continue with the case study analyses begun in Chapter 3. Here, I analyze the institutional framework for managing Ghana's oil sector and the environment. This analysis is important in view of the argument that a good institutional design is imperative for good governance of the natural resources sector. Moreover, I argue in Chapter 3 that the GEAM is an important tool that serves as checks and balances in Ghana's oil sector, although, in order for the GEAM to be effective in performing this role, there is need for a strong institutional framework that backs the GEAM. Hence, in Chapter 4, I analyze the extent to which elements of the framework

complement the GEAM to improve good governance in Ghana's oil sector, and the extent to which the elements are capable of identifying and addressing environmental justice issues in Ghana's oil sector. I divide the institutional framework into two: legislative and policy documents, on one hand, and administrative structure, on the other. The document-based element of the framework comprises three international documents that have been assimilated into practices of Ghana's oil sector, and five national documents. Together, these broadly seek to function as checks and balances in Ghana's oil sector to distribute benefits. The administrative element of the framework comprises ministries, departments, agencies, and commissions designated to ensure the implementation of legislations, regulations, and policies (including the GEAM). To end this chapter, I present an assessment of the level of understanding that players in Ghana's oil sector have about "environmental justice." The assessment, based on field interviews, is important to gauging the extent to which Ghana's institutional framework is capable of using the implicit provisions it has for addressing environmental justice.

In the last and concluding chapter of this dissertation, Chapter 5, I draw syntheses from among the preceding chapters to conclude on the goal of the project that the trivalent environmental justice (distributive, procedural, and recognition justice) is not in mainstream natural resources policymaking. Furthermore, I conclude that Ghana as an institutional framework in place to govern the oil sector; the framework comprises international conventions, national laws and policies, and an organizational structure; the framework has provisions that implicitly address environmental justice; and as a mechanism for checks and balances, the framework needs to be strengthened in order for it to be effective.

CHAPTER 2

THE RESOURCE CURSE DEBATE

2.1 Introduction

In the previous chapter, I laid out the problem at hand that needs addressing—neglect of environmental justice concerns in the resource curse discourse. In this chapter, I review the literature to analyze the resource curse debate in detail. In this review, I analyze ideas and arguments in favor of the resource curse on one hand and those against the resource curse on the other. I complement this analysis with my own verdict about the resource curse debate to complete the chapter.

2.2 The Natural Resource Curse: Real or Myth?

In spite of awareness that natural resources constitute part of the economic system, much still has to be learned about their roles and impacts on economies of resource-endowed countries. This learning process faces two critical challenges. One challenge is determining methods of accounting for natural resources in economic development, typically measured as gross domestic product (GDP). The other challenge is coming to terms with ways of ascertaining the exact roles natural resources play in the development of countries. Thus, whereas the first challenge deals with methods of capturing contributions of natural resources to the economic system, the second challenge deals with determining the nature of contributions natural resources bring to bear on economic systems. In my view, one challenge has direct implications for the other. For example, by determining and establishing a method for capturing natural resources in the GDP of a country, it would be possible to also establish the trajectory of natural resources in the economic system and thereby possibly determine

its role in development. Thus, the two challenges are not mutually exclusive, although scholars in natural resources management, particularly economists, tend to separate these two challenges leading to more problems, such as the oversimplification of the drivers of development.

Given that concerns have been raised about the first challenge (method of capturing contributions of natural resources to the economic system), there arose a growing body of literature on ways to calculate aggregate national income taking into consideration natural resources. If the standard measure of national income using GDP is to take into consideration natural resources, GDP cannot provide a true indication of economic growth because such a measure often fails to account for the reduction in stock of the natural resource (Winter-Nelson 1995). Winter-Nelson (1995) further argues that a measure of national income in a given period should not reduce opportunities for future consumption; however, since natural resources are fixed stock (in the long term), using revenues from natural resources without considering the impact of lost stock on future consumptions is wrong.

However, the first challenge is not the focus of this dissertation, it is only important to acknowledge its existence at this stage. Moreover, I believe that the two challenges are connected such that by finding a solution to one, the other could be resolved thereafter. Therefore, the second challenge—determining the role natural resources play in (economic) development—and how evaluations of its role lead to conflicting views are paramount and would be the subject of further analyses.

In the 1950s, a dominant view was that natural resources were essential for economic development. Ideas of Ginsburg (1957) epitomize this thought, and although

he recognizes that a definition of “natural resources” is “elusive,” he uses it to refer to mean:

> All the freely given material phenomena of nature within the zone of men's activities, at present a zone extending about twelve miles above the surface of the earth and about four miles below it, plus the additional non-material quality of situation or location. (Ginsburg 1957, 204)

Ginsburg’s definition captures many things not captured in subsequent definitions and references to “natural resources” in the context of the resource curse discourse. Ginsburg’s definition suggests the inclusion of air, landmass (even barren land), and geology (even if containing no mineral or oil resources). The definition is very general and not specific; however, in contemporary discussion of the resource curse, most references to “natural resources” are largely associated with mineral, crude oil, and forest and agricultural resources such as fertile soil and water. There is need to specify the type of resources, because resource type highly affects the nature of the resource’s impact in the economic system. The focus of my study is on oil resources. In spite of Ginsburg's (1957) observation in the 1950s that natural resources were important for economic development, there existed counter observations, including claims that several natural resource-endowed countries have failed to harness their resources for the development of those countries.

Singer (1950) had argued that countries reliant on natural resources were at a disadvantage in view of the global economy and international commodity markets. Singer’s ideas, although articulated in the 1950s, obtained greater attention in the 1980s onwards and into the present day. Thus, based on Singer’s observation that natural resources are disadvantageous to countries so endowed, several scholars, including, Sachs and Warner (2001) would later conclude that a “curse of natural resources”

exists in countries with “great natural resources wealth” (827). To champions of the resource curse, evidence abounds with respect to its reality. However, for opponents, the resource curse remains elusive with their position gaining renewed attention in the 21st Century, after Ginsburg (1957).

In view of these two sides, a myriad of studies exists that seeks to provide evidence for the existence of the “curse of natural resources,” on one hand, and, on the other, evidence that point to the nonexistence of the curse. In what follows, I lay out the arguments of defenders of the resource curse in sections 2.2.1 to 2.2.7, followed by arguments from skeptics of the resource curse in sections 2.2.8 to 2.2.16. For each side of the debate, my analyses follow a chronological order of authorship, beginning with the oldest to the newest. The ensuing discussion does not suggest the completeness of empirical studies supporting or denying existence of the resource curse; this review is only to provide examples of such studies and to highlight some of the arguments scholars present, particularly the causes they attribute to the resource curse. Furthermore, I chose these studies because references to natural resources in these works include oil resource, the focus of my study.

2.2.1 Alan Gelb (1988)

In a landmark study focusing on the management of windfall gains from oil resources, Gelb (1988) attempts to provide empirical evidence that prove the existence of the curse of natural resources. Gelb (1988) seeks to demonstrate that retardation in economic growth occurs in resource-endowed countries, and not in resource-poor countries. In studying six oil-endowed countries, Gelb (1988) finds that availability of windfall gains from oil exports to the six countries led to relaxation of “three constraints

of economic growth"—"foreign exchange, domestic savings, and fiscal revenues" (7). The effect of this was the conversion of windfall gains by the six countries into domestic capital in the public sector where usage of the revenue showed a political need "to spend rapidly" (Gelb 1988, 11). This rapid expenditure then led to a concentration of investments in infrastructure, some ill-thought social investments, and large-scale industrial projects. These projects had peculiar features: they were projects conducive for rapid disbursements; projects poorly planned with cost overruns; and projects based on poor feasibility studies. In addition, these investments did not require participatory decision-making processes or elaborate institutional changes for implementation (Gelb 1988). In other words, profligacy is the name of the practice in terms of how the six countries spent their windfall incomes, with no corresponding return on disbursements of the windfalls.

Apart from dissipating their windfall incomes, the six oil-exporting countries studied by Gelb (1988) suffered from effects of international market volatility. Declining oil prices together with rising interest rates exposed vulnerabilities of the six oil-exporting countries' economies: the non-oil sectors of their economies collapsed; the countries became more reliant on imports while they faced growing international debt stocks. The overall effect was declining and negative economic growths of the six economies in comparison to economies of non-oil exporting countries. In addition, and to compound all these difficulties, Gelb (1988) observes that benefits from the large infrastructural investments embarked upon in most of the countries diminished.

I would concur with Gelb (1988) on the three features he associates with investments in infrastructure in oil-exporting countries, particularly the feature of projects being conducive for rapid disbursement. This feature has the added effect of

perpetuating corrupt activities in the management of oil windfall incomes. However, it may not be true to conclude that no corresponding returns are obtainable from investments or expenditure on social projects. After all, it is possible to have some social (and ecological) returns not captured in the assessment of returns on investment, because it is difficult and time-consuming to capture such impacts that may require normative valuation; not quantitative valuation. Indeed, such is the case of environmental justice, which relies mostly on normative values rather than quantitative values for assessment of outcomes.

Also, Gelb (1988) considers the role political systems play in the use of oil windfalls. In this regard, he points out a difficulty in identifying any linkage therein. Nonetheless, he makes two broad conclusions on the interaction between political structure and oil. First, higher income countries with political systems amenable to electoral competition tend to use oil income for subsidies as compared to poorer countries, and second, the number of years in terms of governments and extent of centralization of political power are important determinants of a windfall cycle. So, countries that have the most centralized and lasting policymaking systems achieve high growth rates, he argues. A decentralized policymaking system reduces the chances of countries spending their windfall revenues cautiously; however, an extremely centralized policymaking system can reduce investment efficiency (Gelb 1988, 139).

Gelb's (1988) difficulty in identifying a link between political systems and oil revenue must have arisen because he was perhaps looking for a quantitatively measurable variable that was non-existent. By going ahead to still make two broad conclusions is an implicit, if not tacit, admission that there is some nexus between political systems and use of windfall revenue from oil. Furthermore, an important

illustration of this link is Gelb's (1988) observation that oil-endowed countries dissipate their windfall revenue on ill-informed projects. This, clearly is an assumption on the part of Gelb (1988) of irrational political decision-making resulting in dissipation of public funds.

Gelb's (1988) conclusion that a decentralized policymaking system could reduce chances of countries spending oil revenues cautiously is counter to a general appeal in the literature that broadening participation in terms of decision-making is better. For one thing, broadening participation through decentralization can ensure checks and balances, to prevent abuse of power, in addition to ensuring multiple perspectives (especially the perspective of women, the poor, marginalized, and vulnerable in society) are brought to bear on the policymaking process and reflected in policies. Thus, broadening participation ensures decisions are made for a much wider common interest.

In terms of assessing the judicious use of oil windfalls over all, Gelb (1988) argues that in the end, consumption level and its distribution across groups in a country should be the utmost criteria for determining whether a country has used its windfall income wisely. Here, I find Gelb alluding to some aspect of environmental justice—distributive justice—and I am in total agreement with him on that. However, it may be difficult to achieve this distribution if participation in policymaking is limited, as he argues. In his view, resource-endowed countries enjoying windfalls from oil should adjust their spending levels against rises in income from oil cautiously (Gelb 1988).

Due to resource-endowed countries' zeal to spend and the resulting problems, for instance, income dissipation, Gelb (1988) recommends the participation of

“nonresident equity” (foreign direct investments) in resource-based projects, since such participation could have profound benefits. Benefits he identifies that include:

a) Check[s] on the realism and feasibility studies [of projects] by scrutinizing the assessment of rate of return and risk;
b) Facilitates construction, start up, and operation [of projects]; and
c) Reduces [projects’] risk by securing markets and lowering the government's stake. (Gelb 1988, 140)

In addition to these, Gelb (1988) recommends use of oil income to fund improvements in public administration. However, expansion in public sector expenditure is one of the problems associated with availability of windfall income. Therefore, this recommendation ought to be considered with greater caution.

The benefits of "non-resident equity" may be profound; however, Gelb's (1988) recommendations simply constitute a basis for an argument that he does not go as far as to make, for granting control of natural resources industries to transnational corporations. The problem with this recommendation is that Rugraff, Sanchez-Ancochea, and Sumner (2009) find transnational corporations’ control of natural resources not to favor the promotion of economic growth and poverty reduction. They point out that in spite of the absence of a universal linkage, a mixture of positive and negative impacts is discernible on a country-by-country basis of the presence of transnational corporations in natural resources sectors of poor countries. In Chapter 1, I argued that the impact of transnational corporations in Ghana’s mining sector, though mixed, is generally negative. The account of Gelb (1988), with respect to the resource curse does not answer all questions about the curse; it nonetheless contributes by cutting the path further.

2.2.2 Richard Auty (1994)

Following Gelb's (1988) analysis of the effects of windfall income from oil exports, Auty (1994) carries out another landmark study in which he compares the economic performances of resources-endowed countries with the performances of resources-poor countries. In this study, Auty seeks to explain differences in levels of industrialization observed between countries in South East Asia on one hand, and countries in Latin America and Sub-Sahara Africa on the other. Auty (1994) seems to equate industrialization with (economic) development. However, (economic) development may not necessarily be industrialization although I agree with Szirmai (2012) that industrialization can lead to development. Auty (1994) is not arguing in this direction.

According to Auty (1994), natural resource-endowment is the variable accounting for differences in levels of industrialization since returns on the sale of natural resources to resource-endowed countries serve as disincentives preventing these countries from investing in the agriculture and manufacturing sectors of their economies in order to become internationally competitive. Auty concludes that favorable natural resource endowment produces four impacts on resource-endowed countries. There is:

a) Longer toleration of lax macro policies;
b) Less pressure on the country (and industries) to achieve industrial maturation;
c) A longer period of tolerating rent-seeking groups; and
d) Tremendous increase in chances of declining and erratic economic growth.(Auty 1994, 24)

Thus, in Auty's (1994) conclusion, in a country endowed with natural resources and obtaining windfall revenues from the resource, that country’s administration, supervisory institutions, and the general populace of that country become more accommodating and tolerant of national policies that are neither productive nor efficient

in spearheading economic development of that country. Auty (1994) provides two reasons: first, the country becomes over optimistic about the prospects of the natural resource meeting the revenue needs of the country; and second, availability of windfall income from resource extraction reduces the extent the state taxes its population. This in turn reduces the extent to which the population exerts pressure on the state to formulate and implement efficient national policies (Auty, 1994). Furthermore, Auty (1994) concludes that in a country endowed with natural resources, there is tolerance for rent-seeking behavior that includes individuals and institutions seeking to increase their wealth from the natural resource without creating any new wealth. This can involve overexploitation of natural resources without thinking about future generations. In Auty's (1994) conclusion, resource-endowed countries tolerate such behavior for a long time culminating in the suppression of economic growth in the country. Hence the ‘curse.’

Auty's (1994) conclusion may apply in some other resource-endowed countries, but my observation of the Ghanaian context is a bit different with respect to taxation. Although generally optimistic about the oil find and the resultant windfall income, Ghanaians are presently paying taxes at levels never seen before in the history of the country. There are other reasons accounting for the resource curse than what Auty (1994) argues for, and the search for these reasons has yielded a variety of them. In what follows, I discuss some of the drivers or triggers of the curse in resource-endowed countries.

2.2.3 Jeffery Sachs and Andrew Warner (1995 and 2001)

In pursuit of more answers, Sachs and Warner (1995) follow the approaches of Gelb (1988) and Auty (1994) to compare the economic performances of oil-exporting

countries with the performances of non-oil-exporting countries. Gelb's (1988) study, though foundational, was only limited to six countries. Auty (1994) went a step further by comparing resource-endowed economies to resource-poor countries. However, in studying ninety-seven developing countries, Sachs and Warner (1995) not only increase the number of countries, but also agree with Gelb (1988) on a pattern in which economic growth in resource-poor countries outperforms economic growth in resource-endowed countries. One significance of the study by Sachs and Warner (1995) is that it is the first study to investigate “the adverse effect of resource abundance on growth on the basis of a worldwide, comparative study” (Sachs and Warner 1995, 3). In addition to being the first global study, Sachs and Warner (1995) add new ideas and shed light on the resource curse: they argue that their study documents “a statistically significant, inverse, and robust association between natural resource intensity and [economic] growth”(Sachs and Warner 1995, 21). Sachs and Warner (1995) represent another empirical study looking for and using quantitatively measurable attributes to show evidence of the resource curse.

Following Sachs and Warner (1995), Sachs and Warner (2001) reaffirm the existence of the resource curse and provide further empirical explanations. However, they note the evidence for the curse is “not bulletproof” but only “strong” (Sachs and Warner 2001, 828). Adducing reasons in support of the resource curse, Sachs and Warner (2001) point out that from a casual observation, the category of countries endowed with natural resources does not overlap with the category of countries recording higher GDP. From casual observations, they find countries considered extremely rich in natural resources, such as Nigeria, the Gulf States, Mexico, and

Venezuela fail to sustain economic growth. Sachs and Warner (2001) argue that these casual observations are in agreement with evidence from their empirical analysis, too.

However, Sachs and Warner (2001) caution that the results of their empirical study may be misleading. The negative correlation between resource abundance and growth of GDP is potentially attributable to “a by-product of subtle bias” (Sachs and Warner 2001, 829). That is to say, it is possible another constant variable affects growth of resource-endowed countries, which is not observable, yet produces a negative correlation between resource-endowment and growth. To eliminate this doubt, Sachs and Warner (2001) show (using an empirical approach) how there can never be such an effect, and that the resource curse exists, and it is due to resource endowment and not because of some other variable not detected. Their conclusion on this matter, however, is revealing, as they claim: “There is no clear evidence from the regressions […] that there was an omitted variable in our previous growth regressions that can account for the curse of natural resources” (Sachs and Warner 2001, 830–31). This conclusion is revealing, because Sachs and Warner (2001) fail to find evidence for any hidden variables that could account for declining growth of GDP in resource-endowed countries. In effect, their claim to finding a negative correlation between resource-endowment and GDP decline is what they have. In establishing that there exists an investment relationship between resource-endowment and economic development and naming it the “curse of resources” (Sachs and Warner 1995; Sachs and Warner 2001), focus was now placed on the mechanisms through which the curse emanates. The following discussion looks at some of the mechanisms.

2.2.4 Thorvaldur Gylfason, Thor H. Tryggvi, and Zoega Gylfi (1999)

Gylfason, Tryggvi, and Gylfi (1999) argue that economic growth is not as simplistic as empirical studies seek to portray it through identifications of “a couple of robust determinants” of economic growth in the literature (Gylfason, Tryggvi, and Gylfi 1999, 204). Although this may sound like a critique of the predominant use of empirical techniques and analysis in the resource curse discourse, it is not, because they too conduct empirical analyses to support their argument. From their perspective, abundance of natural resources in a country leads to increased primary production, which in turn negatively affects economic growth by lowering expenditure on “human capital,” that is, “educated workers” (Gylfason, Tryggvi, and Gylfi 1999, 206). Typically, economic activities fall into primary, secondary, and tertiary sectors. The primary sector generally involves extractive activities; the secondary sector involves manufacturing activities; and the tertiary sector involves services.

According to the explanation by Gylfason et al. (1999), primary sectors of natural resource-endowed countries need less human capital in comparison to the secondary and tertiary sectors. Hence, since resource-endowed countries generate less human capital required for the secondary and tertiary sectors, the economy experiences stunted growth (Gylfason et al. 1999). They attribute the non-existent human capital to effects of the Dutch Disease. The expression “Dutch Disease” was coined in 1977 to describe a decline in manufacturing in the Netherlands following discovery of a large natural gas field (Corden 1984). For Gylfason et al. (1999), the Dutch Disease effect reduces the profitability of other export sectors of resource-endowed economies, except the primary sector. The effect of this is a slump in growth of the other export sectors of

the economy since these sectors are not profitable ventures that entrepreneurs would like to pursue.

However, in spite of recognizing the effects of the Dutch Disease as responsible for low human capital, the principal explanation Gylfason et al. (1999) identify as the driver of the resource curse is education. They provide two arguments for the role of education in the resource curse. First, they argue that countries with relatively large primary sectors have less need for formal education because their secondary sectors are non-existent. Second, they argue, the absence of good educational systems inhibits growth of the secondary sectors of resource-endowed countries. The absence of a good educational system makes it expensive to train the human capital required for the secondary sector to take off and thrive. In the end, the dominance of the primary sector allows the system of education to churn out skills that suit a primary sector, thus stifling emergence and growth of a secondary sector. Thus, the secondary sector remains small or absent and incapable of pushing the country to economic development.

The explanation by Gylfason et al. (1999) in respect to the role of education in promoting and perpetuating a primary sector and inhibiting the secondary and tertiary sectors appears to be a form of a feedback loop. In this loop activities of the one (primary sector) feeds and affects the other (secondary sector) and *vice-versa*, and until the link is broken somewhere, the status quo remains. One question needs answer: how can this link be broken? I would argue that by identifying and addressing environmental justice issues to include making investments addressing environmental justice concerns in the two sectors, some headway could be made in breaking the cycle. In spite of the explanations of Gylfason et al. (1999) on the source and driver of

the resource curse, many others who agree on the existence of the curse do not agree with their explanations.

2.2.5 Michael Ross (1999)

Ross (1999) takes a different perspective on the explanations of the resource curse by discussing four economic arguments, three political and two on the role of nations. While noting and reiterating disagreements among resource-curse scholars on a single explanation for the curse of natural resources, Ross (1999) undertakes a review of various explanations of the resource curse provided by other scholars. He categorizes these explanations into two major groups—economic and political. He identifies the explanations that fall under the economic to include declining terms of trade for primary commodities, international commodity market instability, weak linkages between resource and non-resource sectors of the national economy, and effects of the Dutch Disease. Ross (1999) then identifies the explanations under the political group to include cognitive explanations, societal explanations, and state centered explanations. To these explanations, he adds two more explanations—state ownership of enterprises and states inability to enforce property rights in resource-endowed countries (Ross, 1999). Thus in all, Ross (1999) discusses nine explanations for the curse of resources.

Accounting for the historical basis of the first economic explanation, Ross (1999) falls on Prebisch (1950) and Singer (1950) who argue against development strategies that rely on exports of natural resources: primary commodities have a tendency to suffer declining terms of trade. Ross (1999) argues that following the theories of Prebisch and Singer, studies exist that show an overall general decline in the terms of trade for primary commodities since the twentieth century. Furthermore, Ross (1999) points to

studies that show a linkage between terms of trade and economic growth, and comes to a conclusion that declining terms of trade accounts for “much of the resource curse,” in general. However, Ross (1999) waters down the effect of declining terms of trade by conceding that there is weakness on the robustness of the linkage at the individual country level.

From economic and empirical bases, the link may be weak; however, insofar as there is a linkage, I would argue that it should not matter whether the link is weak or strong since the determination of strength or weakness is a quantitative matter, not a normative one. From my perspective, what should matter with respect to this linkage is that it affects the livelihoods and well-being of local communities (people and the environment). Therefore, we should not rely on empirical analyses alone to give us the whole picture and find answers to questions of development challenges and the resource curse.

Regardless, Ross (1999) argues that declining terms of trade largely links to another economic explanation—the instability of the international commodity market. Though economists do not yet agree on the extent to which an unstable international commodity market is detrimental to poor countries, they agree that export earnings of resource-endowed countries “are exceptionally unstable” (Ross 1999, 304). Thus, Ross agrees with Nurske (1958) who argues that high fluctuations in primary commodity prices on the international market can be transferred to domestic economies of poor countries that rely on export earnings from primary commodities. This transfer then leads to unpredictable government revenue, unreliable foreign exchange supplies, and increased risk of private investment, all of which culminate in the curse of natural resources. Thus, this complements the argument by Gylfason et al. (1999) that the

economic cause of the resource curse is lack of linkages between the booming primary (natural resource) sector on one hand and other sectors (secondary and tertiary) of resource-endowed economies on the other.

For the third economic explanation of the resource curse, Ross (1999) argues that natural resource-dependent industries are unlikely to promote economic growth in resource-endowed countries with multinational companies dominating the primary sector. Where they are allowed (which is often the case), multinational companies repatriate their profits from natural resources extraction instead of investing it in the local economy. Doing so leaves natural resource-exporting countries with booming natural resources enclaves that have no linkages to the rest of the national economy (Ross 1999; Hirschman 1958). Arguing further, Ross (1999) adds that the persistence of the linkages problem is a sign of policy failure, where governments of resource-endowed countries fail to use policy instruments to direct and foster linkages between the natural resources sector and the rest of their economies.

I concur with Ross (1999) to the extent that policy is important for directing and facilitating establishment of linkages to industry enclaves. From my perspective, however, several avenues exist in a resource-endowed country for linkages with that natural resources sector. The economic sphere is not the only sector in which linkages are available. For instance, opportunities and needs exist for linkages between natural resources and the environment, health, education, and the social spheres of a country. These linkages can be fostered through environmental justice related interventions. Moreover, with the acknowledgment by Ross (1999) that policies can play important roles in averting a resource curse, I believe that policies with environmental justice as overarching policy principle or objective could be pursued.

The final economic explanation of the resource curse that Ross (1999) discusses is the Dutch Disease effect. However, Ross (1999) argues that unlike what others believe, the Dutch Disease refers to a combination of two effects that precede resource booms. The first effect is a rise in real value of a country's currency, which is the result of a steep rise in exports from the country. The second effect is the preponderance of a booming resource sector to attract capital and labor, denying these factors to the country's manufacturing and agricultural sectors. This latter effect, therefore, leads to rising costs of production in the non-export sectors of the country. The ultimate effect is a rise in the cost of goods and services that the resource-endowed country cannot import, and a decline in local agriculture and manufactured goods meant for export (Ross, 1999). This in effect is a form of crowding out, where the natural resource sector suppresses all other sectors of a resource-endowed economy.

From the perspective of Ross (1999), the economic factors accounting for the resource curse outlined above should be manageable for governments of resource-endowed countries to ensure their economies do not suffer. However, most governments in resource-endowed countries fail to put in place measures to correct these economic factors. The role of governments in the resource sectors, therefore, is very important. After all, governments of resource-endowed countries play major roles in the natural resources sector through various policies they pass. Indeed, Ross (1999) concurs with Neary and Wijnbergen (1986) on the importance of government policy. This recognition of government's role has compelled a number of studies to understand why governments often fail with their policies to avert the curse of resources (Neary and Wijnbergen, 1986; Ross, 1999).

Three main groups of theories account for government policy failures, according to Ross (1999). These theories also correspond to the political explanations of the resource curse. They include cognitive theories, societal theories, and statist theories. According to the cognitive theories' account of the resource curse, windfall income from export of natural resources produce short-sightedness effect among policymakers, which leads to "myopic sloth" or "myopic exuberance in policymakers." On the other hand, the social theories' account of the resource curse suggests windfall income from resource exports empower social groups inclined to "growth-impeding or trade policies." The third group of policy failure theories, statist theories, suggest that availability of windfall income from natural resources exports weaken state institutions that have mandates of ensuring long-term economic development (Ross 1999, 308–9).

In addition to these explanations of the resource curse, Ross (1999) introduces two more factors. One is that the resource curse is a result of government ownership of resource industries in resource-endowed countries, and therefore he proposes an antidote—privatize natural resources-based industries. The other factor, he argues, is failure by governments of resource-endowed countries to enforce property rights as responsible for the resource curse (Ross 1999).

Having catalogued these factors, Ross concludes with an affirmation that the difference in economic growth between resource-endowed and resource-poor countries is "most certainly" the effect of "international economic factors, including a decline in the terms of trade for primary commodities and the instability of commodity markets"(Ross 1999, 231). Although this effect is avoidable, resource-endowed countries have not avoided it because of policy failure. In spite of alluding to the role of policy failure in the resource curse, Ross (1999) does not attribute the emergence of the curse to policy

failure, which would have been apt. Rather, Ross (1999) seeks the cause of policy failure and attributes its emergence to the politics of the resource curse, while also claiming scholars know little about the politics of the resource curse.

2.2.6 Jeffery Sachs and Andrew Warner (2001) and Richard Auty (2001)

In spite of noting the absence of a universally accepted theory of the resource curse, Sachs and Warner (2001), provide some explanations to what they consider the driver of the curse. Most explanations, they claim, have a “crowding-out logic” (Sachs and Warner 2001, 833). That is, natural resources production tends to crowd-out a productive sector of economies in resource-endowed countries, and since the productive sector is eliminated or becomes weak, growth of these economies tend to suffer. However, Sachs and Warner (2001) believe the productive sector driving growth is the “traded manufacturing activities” of resource-endowed economies (Sachs and Warner 2001, 833). Thus, resource-endowment tends to create an unfavorable atmosphere for the export sector of resource-endowed countries to be competitive. The result is the inability of these countries to achieve economic growth through the export of locally manufactured goods.

What Sachs and Warner (2001) have done in their identification of the “productive sector” is to oversimplify and reduce drivers of (economic) development to exports. I agree that the export sectors of many countries are important for economic growth. However, I find it too narrow to limit drivers of economic development to one cause—export—as Sachs and Warner (2001) argue. I believe other drivers exist (such as political stability, exchange rate, education, physical infrastructure, and foreign direct

investments) that affect the socioeconomic development of resources-endowed countries. Ross (1999) for instance discusses multiple economic factors.

Since other factors must also drive economic development, and in view of the observation by Sachs and Warner (2001) that it is difficult to identify the productive sector driving the resource curse, it is appropriate to discuss some scholars who identify different variables. Moreover, in line with the conclusion by Ross (1999) that little is known about the politics of the resource curse, I turn to Auty (2001) who discusses the capture of the political processes in resource-endowed countries as an impact on the curse. He argues that resource-endowment leads to “predatory” political states with governments whose rent-seeking behaviors disrupt activities of the economy deployed to spearhead industrialization. This then leads to the collapse of economic growth in resource-endowed countries. I would disagree with Auty (2001) that industrialization is the same as development. Unsurprisingly, several others disagree with Auty (2001) in terms of the identity of the driver of economic growth and thus, of the resource curse.

2.2.7 James Robinson, Ragnar Torvik, and Thierry Verdier (2006)

Robinson, Torvik, and Verdier (2006) recognize the knowledge gaps Ross (1999) identifies in the politics of the resource curse, which Auty (2001) provides some insight. It is important to note Robinson, Torvik, and Verdier (2006)do not have any doubt about the reality of the resource curse; their concern is with answering the question: “what are the mechanisms linking natural resource endowments and their prices to development?” Furthermore, they believe although policy failures account for the resource curse, no “political model of resource extraction” exists (Robinson, Torvik, and Verdier 2006, 448). Therefore, they develop a model to analyze ways in which resource booms initiate

“political incentives,” and how these negatively affect development through “policy ‘mistakes’” (Robinson, Torvik, and Verdier 2006, 448). In terms of what constitutes “development,” I infer that Robinson, Torvik, and Verdier (2006) are referring to economic development, a reference that is normal in the resource curse discourse, although a measure of economic development does not necessarily represent a measure of national human development. Human development encompasses the well-being of the people (Stanton 2007; UNDP 2015)They present four key findings from the application of their model.

First, Robinson, Torvik, and Verdier (2006) claim that in order to maximize rents, holders of political offices in resource-endowed countries have a tendency to over-extract natural resources “relative to the socially efficient extraction path” (450). This is because, holders of political offices are not sure they will remain in power for long. On the other hand, Robinson, Torvik, and Verdier (2006) argue, these politicians would care about the future stock of the resources if they believed they would remain in power for long. Hence, the intention of holders of political power in the case where they are not guaranteed political office for a long time will be to maximize their interests in the monetary returns from the extraction of natural resources. The problem with this assertion by Robinson et al. (2006) is the proper definition and determination of what is an acceptable “socially efficient [natural resource] extraction path.” From my perspective, what should count in an assessment of “socially efficient resources extraction” must include assessments of decision-making processes in the management of resources and the distribution of returns from extraction of the resources. However, I am not sure these are matters Robinson, Torvik, and Verdier (2006) consider.

Second, Robinson et al. (2006) claim that persistent resource booms lead to improvements in efficiency of the resource extraction. Resource booms increase the value of holding political power, making incumbent political leaders allocate more resources to retain political power. Seeing the importance of the resource in maintaining political power, incumbent political leaders value future reserves of the resource, hence motivating them to pursue a socially efficient extraction path of the resource (Robinson et al. 2006). Thus, resource booms lead to improvements in the efficiency of the extraction path of the resource, which appears to be good, in respect to the efficiency introduced into the extraction process (Robinson et al. 2006). However, in terms of the overall benefit of resource extraction to the country, it is not the best; the rent from the resource extraction and sale accrues to the political elite and does not inure to the development needs of the country, or the local people from whose land the resources are extracted. Thus, I would argue that unless the efficient resource extraction leads to broader national impact, it would not be desirable to achieve efficient resource extraction only for the benefit of the political elite alone.

I am doubtful whether Robinson et al. (2006) are right in claiming that resources boom leads to efficient resources extraction prompted by political incumbents' interests. I acknowledge that their claim may be right theoretically; however, for incumbent political leaders (especially in sub-Sahara Africa) political incumbents often seek to maximize the economic rents from resources extraction within the shortest possible time knowing pressure would soon be brought to bear on them if they unlawfully extended their stay in political office. Thus, there is a tendency to pillage the resource in the process of maximizing the economic rent and send their wealth overseas to other countries (mostly developed countries in Europe).

In their third finding, Robinson et al. (2006) reaffirm findings by Gelb (1988) and others (cf. Auty [1999]; Gavin [1993]; Gelb [1988]; and Lane and Tornell [1999)] of a tendency among politicians in resource-endowed countries to increasingly misallocate state resources in the face of a boom. In their attempt to hold on to political power, politicians misallocate state resources through political patronage; they pursue policies that increase public sector employment; and maintain an inefficient public sector employment. Consequently, there is expansion in public sector employment when employment in other sectors are contracting; increase in the wage bill of public sector workers after resource booms; and the overall increase in the expenditure of government in periods of resource booms. This finding prevailed in Ghana. Increase in public sector expenditure occurred in Ghana after the oil discovery: in 2010, three years after discovering oil, Government of Ghana initiated a public sector pay reform called the Single Spine Salary Structure (SSSS) and the reform led to an increase in the wage bill of Ghana's public sector, and contributed to the negative growth of Ghana's economy which started in 2009. The reform was aimed at "motivating public service workers to improve service delivery and productivity" (Fair Wages and Salaries Commission 2013, n.p.).

Finally, Robinson et al. (2006) find that a critical determinant of whether a resource boom can lead to a curse or not depends on the quality of institutions. Because institutions have the capacity (and in many instances the mandate) to determine the extent to which political incentives can be transferred into policy outcomes. In their view, political institutions of interest in this context are institutions that ensure accountability of public officers and politicians, and generally formulate and promote rational bases for resource allocation.

While I agree that institutions are critical here, I wonder about the emphasis by Robinson et al. (2006) that such institutions hold only politicians and public office holders accountable. They do not see the need to hold resource extracting companies (mostly transnational corporations), private individuals, chiefs, local "technocrats," and all stakeholders with interests in the natural resource accountable. In my view, every stakeholder in the natural resources sector must be held to account for their decisions and actions insofar as they affect resource extraction and allocation of proceeds.

Robinson et al. (2006) argue further, that institutions of "low quality" tend to attract and promote bad policies by enabling incumbent political leadership to pursue inefficient redistribution of public resources in order to maintain hold of political power; however, "high quality" institutions on the other hand do not allow such inefficient approaches to operate (465). In conclusion, Robinson et al. (2006) claim that the extent to which resource booms promote inefficient redistribution of public resources (particularly windfalls) depends on the quality of institutions:

> In countries with institutions that limit the ability of politicians to use clientelism to bias elections, resource booms tend to raise national income. When such institutions are absent, the perverse political incentives may dominate and income can fall—here is a *resource curse.* (Italics in original). (Robinson, Torvik, and Verdier 2006, 466)

This conclusion is laudable; however, Robinson et al. (2006) fail to define or provide a set of criteria for determining "low" and "high" quality institutions. What constitutes "low" or "high"? Are institutions low or high quality because of their capacities and achievements, or they are low or high quality because they perform certain functions, or are institutions low or high quality because they possess staff of a certain qualification? Furthermore, does the strength or weakness of an institution depend on policy? Robinson et al. (2006) seem to suggest that institutional strength depends on

personnel. To this, I would add that a determination of institutional strength should include policy principles on which bases qualified personnel could function well. Policies anchored on strong principles, environmental justice for example, would provide clear mandates and backing not only to personnel of institutions, but also to the general population to make demands for action. Robinson et al.'s (2006) emphasis on politicians alone in their conclusion is inadequate. It is myopic. Apart from politicians, several actors exist in the natural resource extraction and management sectors who must account for their decisions and actions. These actors, arguably, may even wield more influence in natural resources extraction and income allocation processes than politicians would.

The position that natural resources are advantageous for economic development gained renewed attention in the 21st Century among scholars following Ginsburg's position in the 1950s. These scholars express different degrees of skepticism about the existence and inevitability of the resource curse. In the following sections of 2.2.8 to 2.2.16, I discuss arguments from scholars that are skeptical that the curse of natural resources is inevitable, and scholars more optimistic about the role of natural resources in resource-endowed economies.

2.2.8 Elissaios Papyrakis and Reyer Gerlagh (2004)

Papyrakis and Gerlagh (2004) express concern about the inevitability of the natural resource curse. They acknowledge observations by natural resources economists that economies of resource-endowed countries tend to perform poorly in comparison to economies of resource-poor countries; however, to Papyrakis and Gerlagh (2004), when taken alone without considering other factors, natural resources

have a positive effect on economic development. This is a claim that is counter to positions taken by resource curse proponents, like Sachs and Warner (2001) who argue that resource abundance is a curse to natural resource-endowed countries.

Papyrakis and Gerlagh (2004) argue further that resource-endowed countries may not reap positive effects of natural resources "due to adverse indirect effects," which emanate from the prevalence of some factors, namely, "corruption, low investment, protectionist measures, a deteriorating terms of trade, and low educational standards" (190). Since other scholars had previously identified these factors as responsible for the resource curse one may be tempted to believe that Papyrakis and Gerlagh (2004) support the argument that the resource curse is real. What they are saying is that the curse could be possible if these indirect factors were to play out in natural resources-endowed countries, and so they conclude: "natural resource wealth increases growth, if negative indirect effects are excluded" (Papyrakis and Gerlagh 2004, 190). Hence, natural resources *per se* cannot cause economies to perform badly unless we take into consideration the indirect effects of corruption, low investment, protectionist measures, deteriorating terms of trade, and low educational standards.

Although Papyrakis and Gerlagh (2004) do not say that these factors are exclusive to natural resources-endowed countries, they also do not say if natural resources-poor countries could encounter these factors as well. As a result, there is the danger of interpreting them as ascribing these factors to only natural resources-endowed countries. However, I would argue that these factors are not exclusive to natural resources-endowed countries. So, natural resources-poor countries could have what is called the curse even if they were not natural resources-endowed, but were to

face the factors listed by Papyrakis and Gerlagh (2004). Thus, whatever effect are called the “resource curse” are not the results of natural resources abundance *per se*.

2.2.9 Graham Davis and John Tilton (2005)

Davis and Tilton (2005) share in the conclusions of Papyrakis and Gerlagh (2004) that the resource curse is not inevitable. However, for the former pair, it is highly impossible for scholars to claim they know the pathway to economic development since economic development is an extremely complex issue. For Davis and Tilton (2005), every country has a different set of nuances regarding economic development, and therefore, a model of development should consider several variables. Nonetheless, in the resource curse discourse, only a few variables are of interest to its proponents. These variables of interest comprise those that suit empirical analyses and are easy to measure quantitatively. Moreover, measuring development can include variables that require qualitative and normative variables for assessments, which empirical approaches in the resource curse studies overlook, or indeed are incapable of measuring.

The criticism by Davis and Tilton (2005) to the extent that scholars overlook the fact that different countries have different nuances regarding economic development may apply to my own attempt to seek to generalize that sub-Sahara African countries can learn from the practices (and failures) of Ghana. Though such a criticism is welcome, I believe it would be misplaced. My argument in seeking to extend Ghana’s experiences to other countries is this: whatever policies other countries in sub-Sahara Africa may wish to formulate for natural resources, they should consider environmental justice as a policy objective. The details and nuances as to how they capture it in their

policies would depend on the individual contexts of the countries. After all, environmental justice is contextual in space and time (Walker 2012).

I agree with criticism that proponents of the natural resource curse fail to capture all variables that affect economic development in their models, for in their arguments, champions of the resource curse usually focus on two variables out of a myriad of variables (Davis and Tilton 2005). Notwithstanding this criticism, Davis and Tilton (2005) fail to point out that economic development in itself does not necessarily imply human development. They too seem to proceed on the assumption that economic development is synonymous to human development. I disagree, because scholars have argued that traditional economic metrics do not measure the lived experience of poverty. In particular, feminist scholars have shown that women's experience of poverty does not correlate with traditional economic metrics (cf. Shiva 1993; Waring 1988; Waring 1999). The Genuine Progress Indicator (GPI) or Index for Sustainable Economic Welfare (ISEW) are alternative sets of economic metrics to assess development for the perspective of daily-lived experience of populations. However, the resource curse debate's economic analysis are very much in terms of national wealth that rarely reflect wealth distribution or standards of living in the global South. Moreover, the argument that economic development is desirable and should be pursued since it would lead to human development has waned in development theory (cf. Ranis, Stewart, and Ramirez 2000). Thus, fundamentally, the argument by proponents of the resource curse that the phenomenon is real is missing a very important target—human development. Therefore, the argument should be disregarded since its focus is on economic development, whereas it should have been on human development. Even if considered in respect to economic development, the resource curse argument remains dubious.

Since the target of the resource curse argument is economic development, Davis and Tilton (2005) argue that mining, as an example of natural resources extraction, “can promote economic development” (240); a contrast to proponents of the resource curse. From their perspective, however, the gateway to making sure natural resources contribute positively to economic growth is through public policy. And in order for public policy to be relevant in channeling natural resources for economic development, Davis and Tilton (2005) raise “useful questions for policy,” that beg for answers:

> How can public policy maximize the net benefits a country receives from its mining sector [natural resources]? How can policy ensure that these benefits are effectively used for economic development and the reduction of poverty? How should policy and international development institutions respond when the good governance and other conditions necessary to ensure that mining will on balance promote development are not in place? (Davis and Tilton 2005, 241)

Indeed, these are useful questions; however, I would argue here that when used as a policy objective, environmental justice could galvanize and consolidate all these questions making it easier to find answers. Nevertheless, environmental justice is not a feature in the natural resource curse discourse at all, although scholars consider public policy a very important determinant of the resource curse.

2.2.10 Erwin Bulte and Richard Damania (2008)

Public policy is political decision-making and it significantly affects natural resources management. Bulte and Damania (2008) provide a model that examines the political economy of natural resources. In particular, they look at effects of resources endowment on decision making by governments, corruption, and political incentives. In this light, Bulte and Damania (2008) argue that a pathway to the emergence of the resource curs could be due to re-allocation of entrepreneurial talents in the economy of

resources-endowed countries in an “inefficient way,” and because governments have been influenced by bribes, they have abandoned policies that could maximize economic growth (19). Although Bulte and Damania (2008) are not what I would call “strong” skeptics of the resource curse, a significant contribution from their perspective is bringing to the fore the argument that policy is an important element that governments of resources-endowed countries can use to avoid the curse. Alternatively, if not properly used, public policy could facilitate the emergence of the resource curse.

2.2.11 Christa Brunnschweiler and Erwin Bulte (2008)

A stronger expression of doubt about the reality of the resource curse comes from Brunnschweiler and Bulte (2008) who describe the argument of resource curse proponents as a “red herring” (248). Their claim is that natural resources may lead to a curse depending on the way the resources are accounted for; otherwise, the so-called curse is a perspective. In making this argument Brunnschweiler and Bulte (2008) present a different perspective on the measure of natural resources endowment (or abundance) and argue that the measure prominently used in the literature measures dependence or intensity, not abundance (or endowment). Brunnschweiler and Bulte (2008) thus propose a method for measuring natural resources endowment that entails taking stock of the resources. They argue that a “better measure of resource abundance would reflect resource stocks, as opposed to current economic flows derived from them” (Brunnschweiler and Bulte 2008, 249). They illustrate this “stock-based” measure of natural resources endowment in their study by taking “valuations of the net present value of benefits [from the resources] over a time horizon of 20–25 years” (Brunnschweiler and Bulte 2008, 252–53). Brunnschweiler and Bulte's (2008)

examination of the measure of resource endowment is very significant since not many studies look at this critically, although it is an important aspect of the resource curse discourse.

Another significance of the study by Brunnschweiler and Bulte (2008) lies in their examination of institutional quality in relation to resources endowment. In this respect, they identify two perspectives on "institutional quality": one perspective refers to "'deep and durable' characteristics of societies," while the other perspective is institutional quality as "the reflection of policy outcomes that are in the state of flux" (Brunnschweiler and Bulte, 2008, 249). Also see Glaeser, La Porta, Lopez-De-Silanes, and Shleifer (2004); and Rodrik, Subramanian, and Trebbi (2004). In the end, they emphasize the former interpretation of institutional quality since that interpretation "is consistent with the idea of institutions as constitutional variables" (Brunnschweiler and Bulte, 2008, 249). Indeed, the persistent constitutional framework grants power and mandate to policymakers. Doing so empowers policymakers to make specific policies that establish new institutions, modify existing institutions, and to govern. Such institutions would include anti-corruption bodies, law enforcement bodies, and investment promotion bodies. Thus "constitutional design determines a range of policy outcomes" (Brunnschweiler and Bulte 2008, 249).

Institutional quality, in the perspective adopted by Brunnschweiler and Bulte (2008) implies that institutions do not exists only as physical edifices (as in organizations/offices), but as norms, conventions, rules, laws, and the people who execute the laws. In this regard, institutions are important for society in general, not only for natural resources governance. The overall well-being of society—including, for instance, maintaining law and order, fostering political governance, ensuring justice, and

determining property rights among others—depend on good institutions. Therefore, it is easy for one to think of institutional quality in a general sense and to miss out how institutional quality is pertinent to the avoidance of the resource curse. My criticism is that Brunnschweiler and Bulte (2008) do not provide deeper insight into the role of institutions in natural resources management in particular. Furthermore, they too do not envisage the nexus between institutions and environmental justice in natural resources management.

2.2.12 Daniel Lederman and William Maloney (2008)

Taking the institutional quality argument further, Lederman and Maloney (2008) argue that there is no curse associated with natural resource abundance. They criticize proponents of the resource curse for their methods of measuring natural resource abundance. In particular, Lederman and Maloney (2008) criticize the use of share of natural resources export in GDP as proxy for natural resources endowment. They argue that using the right proxy for natural resources endowment in empirical studies and the understanding of its properties is important in establishing the veracity of any empirical study. However, they have yet to satisfy themselves that proponents of the resource curse use the right proxies. Furthermore, Lederman and Maloney (2008) argue that econometric evidence for the curse "remains weak" with "results [of the empirical analyses] changing depending on the empirical proxies used" for representing natural resources endowment (10).

With respect to the institutional factor, they argue that the way to go in order to address poor economic performances of natural resource-endowed countries lies in "macroeconomic policy rather than trade or industrial policy" (Lederman and Maloney

2008, 8). In other words, they interpret the institutional quality factor in terms of policy - macroeconomic policy. This is significant, although they discount micro policies. Also, Lederman and Maloney (2008) interpret the institutional factor to mean organization. In this respect they argue that natural resource endowment may not lead to poor institutions (organizations); however, natural resources may stunt development when they interact with some types of political institutions. What types? They do not mention them.

Although Lederman and Maloney (2008) also see the role of institutional factors in addressing the curse of natural resources, they too like other scholars of the curse, do not see the role of such factors in the realm of environmental justice. They restrict their analyses and arguments, and ultimately, their recommendations to economic terms and economic policy. This is a major weakness or loophole overall in the resource curse discourse.

2.2.13 Phillip Crowson (2009)

If Brunnschweiler and Bulte (2008) and Lederman and Maloney (2008) express strong skepticism about the curse, then they are not alone. Another strong skeptic of the natural resource curse is Crowson (2009), who is also critical of the manner in which proponents of the resource curse conduct their analyses. In particular, Crowson (2009) believes the time frame often used in analyses by proponents of the resource curse is short. He believes that when a long-term perspective is taken, natural resources have positive impacts on countries. Crowson (2009) is of the conviction that if the resource curse were to occur in a country, the cardinal reason would be that such a country has “far more deep-seated, and often insoluble issues" to resolve: issues that have nothing

to do with the resource, but have everything to do with socio-political stresses in the country (4). This may sound as tough Crowson (2009) understands that the socio-political stresses may relate to environmental justice issues, but Crowson (2009) does not make this connection. Also, in spite of his criticism that the period of analyses often taken by the resource curse proponents is short, Crowson (2009) does not offer a specific time frame suitable for analyzing the resource curse.

Another of the criticisms by Crowson (2009) is that proponents of the resource curse base their analyses of the relationship between resource extraction and economic development on export data. Data that is of "narrow coverage" and which is biased against the positive contributions of natural resource extraction (5). Thus, Crowson (2009) joins the multitude of skeptics who argue that the empirical analyses purporting to prove the resource curse are flawed, flawed because resource curse proponents rely on small datasets and small conception of metrics (i.e., traditional economic rather than the lived experience of the population expressed in the broadest economic analyses such as GPI and ISEW, and evident in environmental justice analyses) for their analyses.

Crowson (2009) agrees with other skeptics that institutional quality is very important in determining if the natural resource curse would manifest itself or not. To this end, Crowson (2009) argues that the effectiveness of government policies in offsetting the resource curse "presupposes the existence of effective institutions and competent governments," yet many developing countries lack them (whether these countries are resource-endowed or not) (22). This argument buttresses my argument that institutional quality, although it affects natural resources management, is too general a factor to address in order to avert the curse of natural resources. To avert the

curse of natural resources, one needs to focus on the specific triggers and then apply specific policy instruments that one wishes to deploy. Furthermore, an implicit outcome of the argument that institutional quality is important is that this argument supports the bigger argument that the curse of natural resource is not due to natural resources *per se*.

2.2.14 Michael Alexeev and Robert Conrad (2009)

Whereas other skeptics of the resource curse criticize proponents of the curse by arguing that the proponents' measures of resource-endowment are flawed and the proxies they use for measuring endowment are wrong, Alexeev and Conrad (2009) reject the notion of natural resource curse by arguing that its proponents base their conclusions on misinterpreted data. In their empirical approach, Alexeev and Conrad (2009) recognize the problem Lederman and Maloney (2008) point out to the effect that the period usually used in assessing the growth of a country is short. In this regard, Alexeev and Conrad (2009) measure growth over long term. When done this way, Alexeev and Conrad (2009) argue natural resources tend to have a positive impact on economies of natural resource-endowed countries and no curse exists.

In terms of the impact of natural resources on institutional quality, Alexeev and Conrad (2009) believe natural resources do not have any negative impact on institutions. Their reason for this argument is that supporters of the curse often fail to associate any positive relationship between resource endowment and economic growth and only tend to conclude that natural resources negatively affects institutions. To the contrary, according to Alexeev and Conrad (2009), their analysis shows that there is no negative relationship between institutions and economic growth. The outcome of their

study rather supports the effect of institutions on economic growth, not the other way round as champions of the natural resource curse argue. Notwithstanding this lack of consensus on the relationship between institutional quality and economic growth, the discussion on the role of institutions (however conceived) underscores the importance of institutions to natural resources management (cf. Hodgson [2006] and Jütting [2003] for discussions of the various ways “institution” is defined).

2.2.15 Ragnar Torvik (2011)

In the view of Torvik (2011), natural resources can benefit countries and so he seeks to answer the question: “why has oil induced prosperity in some countries but stagnation in others?” (Torvik, 2011, 237). In some respects, Torvik (2011) could be seen as a skeptic of the resource curse. The main response by Torvik (2011) to the question above is that “different political incentives map into different political outcomes,” and, the drivers of economic and political development following discovery of natural resources (and/or booms) are economic institutions and economic reform (237). He explains that after discovering natural resources, countries implement reforms in different ways. The reforms can lead to managing the resource wealth to benefit a larger portion of the country’s population, or, if incumbent political leadership is unchecked so that it introduces policies not in the interest of the broader population, reform can be implemented to preserve “old privileges.” Thus, the type of reform a country undertakes determines the ways new economic “opportunities increase or decrease welfare”(Torvik 2011, 238). Although Torvik (2011) attempts to address the myopia of Robinson et al. (2006) I pointed out earlier, he ends up going narrow as well,

albeit in a different way, by confining linkages under “economic” and neglecting for instance social and ecological linkages.

Torvik (2011) agrees with findings by Ross (2001) in the Philippines, Indonesia, and Malaysia to the extent that politicians deliberately destroy state institutions in order to take advantage of abundant timber resources, and that countries with abundant oil deposits tend to be averse to democracy. Collier and Hoeffler (2009) who argue that rules—“checks and balances”—can promote economic growth further buttress this argument. “Checks and balances” are “institutional rules that limit the political abuse of power and balance political power” (Torvik 2011, 239; Collier and Hoeffler 2009). However, there is no guarantee of the absence of influences because of checks and balances, because Acemoglu, Robinson, and Torvik (2011) argue that checks and balances act like a double-edged sword. Though they can check abuse of power, they make it easier for the influential and affluent in society to influence politicians by bribing and lobbying their ways through.

In the end, Torvik (2011) agrees with a number of scholars that “some dimensions are decisive” in determining whether natural resource endowment can inure to the benefit of resource-endowed countries or not (244). He agrees with Bulte and Damania (2008) that democratic countries are less likely to generate negative outcomes from the resources rents. Even among democratic countries, Torvik (2011) agrees with Andersen and Aslaksen (2006) that a parliamentary system of governance is better suited for growth in resource-endowed countries than the presidential system of government.

Torvik (2011) points out that resource endowment can stimulate economic growth if economic and political institutions impose checks and balances on politicians

while the system guarantees property rights. Thus, the quality of economic and political institutions are important, together with enforcement of property rights. To conclude, Torvik (2011) claims:

> Political institutions shape political incentives. This in turn helps explain why there is such a huge variation in the experiences of resource-abundant countries. Dependent on initial institutions as well as the incentives these create for further policy reform, resource abundance may lower welfare or may strongly increase welfare. However, even when initial institutions are strong, there may be a short-term bias in political decisions, and investments may be made for political rather than economic reasons. [….] Transparency and strong macro institutions are necessary but not sufficient conditions for resource abundance to stimulate prosperity. (Torvik, 2011, 254)

In other words, Torvik's (2011) claim is that the resource curse is not inevitable, as other scholars have claimed. Rather, institutions play a significant role in determining whether natural resources can lead to overall national development or not. Moreover, in so doing, institutions can determine the direction of politically motivated policy that may not inure to overall national human development

2.2.16 Shanon Pendergast, Judith Clarke, and Cornelis van Kooten (2011)

Before I conclude my discussion of natural resource curse skeptics, it is appropriate that I discuss the ideas of Pendergast, Clarke, and van Kooten (2011) who argue that natural resources "are not a necessary or sufficient condition for economic development" (411). In other words, no necessary causal relationship exists between either natural resource-endowment and positive economic growth on one hand, or resource-endowment and negative economic growth on the other. Beyond denying the existence of the resource curse, Pendergast et al. (2011) make three important contributions to the resource curse debate.

First, they point out that the methods used for measuring natural resource endowment and its impact on development is inadequate, and so, they propose a better method. This observation is in line with other scholars who argue that the preponderance of resource curse scholars to use GDP as a measure of national development is incorrect. Indeed, there is consensus that economic development is not that same as well-being, which is what is often implied in the resource curse discourse. Moreover, Pendergast et al. (2011) note that development (well-being) is "a multi-facetted goal," which requires proponents of the resource curse to address it as such instead of using GDP (418). As part of their methodology, Pendergast et al. (2011) use the United Nations' Human Development Index (HDI) and GDP per capita to measure well-being for their analyses. The HDI is not without criticism; however, cf. Mcgillivray (1991); Sagar and Najam (1998); and Neumayer (2001).

Second, in applying their method, Pendergast et al. (2011) find that corruption negatively affects development and natural resources may contribute to corruption. Since it is the view of Pendergast et al. (2011) that natural resources are not a curse, they argue that "government failure is the problem" accounting for poor economic development in resource-endowed countries (419). They enumerate government failures to include failure to define and enforce property rights, and failure by governments to prevent theft by government agents of public goods. In this regard, they argue that the presence of "social institutions such as civil law and property rights" may prevent or reduce the incidence of corruption, which in turn affects institutional quality (419).

Thus, Pendergast et al. (2011) align themselves with the scholars who argue that institutional quality is an important component in avoiding the resource curse. For,

Pendergast et al. (2011) linkage between institutional quality and corruption is a two-way street: well-developed institutions may reduce corruption, while corruption may reduce the quality of well-developed institutions. However, an important question is how would natural resource-endowed countries establish and protect their social institutions in order to avoid the curse? I would argue that an answer to this question lies in the domain of environmental justice. Institutions (whether conceived in terms of policies/regulations/programs or conceived as organizations) could be strengthened if environmental justice objectives were mainstreamed in institutions.

Finally, Pendergast et al. (2011) argue that the United Nations' Human Development Index (HDI) is a better measure of well-being than GDP alone, which resource curse scholars use profusely in the analyses that support their arguments. Pendergast et al. (2011) prefer the HDI because it encapsulates the income levels, health status, and educational levels of people. But, just as Pendergast et al. (2011) criticize the use of GDP because it does not capture a lot about people, the HDI can also be criticized for the same reason; albeit the HDI captures more than what GDP captures. A major criticism of the HDI, from my perspective, is that it does not capture ecological concerns. The well-being of the environment is one dimension of this criticism (which may be overlooked easily). The other dimension is that human well-being critically depends on the state of the environment's quality, which the HDI does not capture. Yet, this concern about the use of HDI to measure well-being could be addressed using environmental justice

2.3 The Curse of Natural Resources: A Verdict

Natural resource curse or not? To answer this question, I would have to agree

with Pendergast et al. (2011) to the extent that there is yet to be established, given the literature I have surveyed so far, a necessary causal link between natural resources and human well-being. If anything at all, I would most likely lean towards the position that natural resource-endowment could have positive effects on human development. I am leaning towards a positive impact of resource-endowment on well-being because none of the sides in the resource curse debate knows with certainty whether the curse is unavoidable or avoidable. Proponents of the curse believe it is possible to find a way that ensures negative impacts of their explanatory factors are avoided by resource-endowed countries so they do not encounter the curse. Opponents of the curse, on the other hand, believe it is possible for resource-endowed countries to encounter the positive explanatory factors in order to improve human well-being and thus avoid the curse.

My concurrence with Pendergast et al. (2011) is based on my survey of the literature of both proponents and opponents of the natural resources cure. All the scholars I have encountered offer explanatory factors for why the curse could manifest itself or not in the context of resource abundance. All the factors (whether for the curse or against the curse) can be put under political, economic, and social categories. What is clear to me is that natural resource extraction and development have impacts on people, economies, and the environment. It is also clear to me that developmental misfortune can befall all countries (whether natural resource-endowed or not), and for natural resource-endowed countries, such misfortune is not unavoidable because they possess natural resources.

Before I proceed further, I would like to make four observations concerning the resource curse literature. First, given several criticisms of the empirical approaches

resource curse scholars use in their analyses, I am inclined to believe that analyzing and managing natural resource impact on countries cannot rely only on empirical and positivist approaches. Analyzing and managing the impacts of natural resource extraction also require normative approaches to complement, if not replace, these empirical approaches. In this regard, philosophical approaches and discourse are important and relevant in the area of natural resources management, not only because of the weaknesses of empirical approaches, but also to help provide clarity on important concepts and ideas that engulf the field. It is for these reasons that this dissertation is partly situated—to bring philosophical and normative analyses to bear on natural resources management.

Second, since analyses in the resource curse literature rely on key concepts such as “development,” “economic growth,” and “industrialization” as proxies for human well-being, the literature is littered with various uses of these concepts by different authors in different contexts. Yet, an erroneous impression remains in the resource curse literature that industrialization is the same as economic development, which is same as development, and the same as human well-being. The lack of a common understanding in the resource curse literature on what should constitute well-being, or what development means, is a major contributory factor to the controversy of the resource curse. For the avoidance of doubt, I adopt the United Nations Human Development Index, as a proxy measure of well-being, as Pendergast et al. (2011) do.

Third, another key concept often used in the resource curse literature is “institution”; in the literature I have surveyed, there is a gravitation towards addressing institutional issues in order to ensure that natural resources contribute positively to well-being. Yet, no consensus exists regarding the particular connotation “institution”

represents. A consensus is important because it has implications for what institutional quality means since resource curse scholars believe that institutional quality is a key component of ensuring that natural resources contribute positively to well-being. In some respects, “institution” in the resource curse literature connotes physical organizations as in personnel and offices (I call these hard institutions), whereas others use “institution” to connote laws, policies, regulations, and guidelines (I call these soft institutions). For the avoidance of doubt, I use the concept “institution” to refer principally to the soft institutions. I adopt this understanding following John Rawls’ definition of institution, which appeals to the thesis of this dissertation. Rawls (1971) defines institution in his book, A *Theory of Justice*, as “a public system of rules which defines offices and positions with their rights and duties, powers and immunities, and the like.” He gives two ways in which institution may be understood: “first as an abstract object…as a possible form of conduct expressed by a system of rules; and second, as the realization in the thought and conduct of certain persons at a certain time and place of the actions specified by these rules” (Rawls 1971, 55). In other words, the two ideas about “institution” could be summarized as institution in abstract or definition and institution in practical terms.

Finally, in reviewing the resource curse literature, I observe that none of the scholars introduce justice issues even when they see more deeply than just the economic issues, as did Michael Ross as early as 1999. There is a concentration around economic and governance issues as though injustices emanating from natural resource extraction could be resolved with economic and governance strategies alone. Indeed, I would argue that injustices could be exacerbated if deliberate action is not

taken to resolve them rather than relying on governance and economic measures to automatically resolve.

2.4 Chapter Summary

In this chapter, I have presented arguments from scholars who posit that natural resource abundance is a curse to countries that are endowed—that the curse of natural resources is real. I have also presented analyses from scholars who argue that there is no curse of natural resources. It is instructive to note that these two groups of scholars, in their arguments, provide explanatory reasons for their positions. This state of affairs leads me to agree with Pendergast et al. (2011) who argue that no necessary causality exists between natural resource abundance and development. Thus, whether natural resources would contribute positively or negatively to human development is contingent on several factors. Overwhelmingly, the dominant factor in this case is the political or governance factor, particularly with policy choice. My perspective is that such policy choice should have environmental justice as a core policy objective.

Furthermore, in analyzing the resource curse discourse, as above, what stands out clear to me is that oil wealth exacerbates poor governance and bad governance practices of corruption and conflict. Poor governance fritters away oil revenues, undermines other areas of a national economy, and can allow for environmental degradation. Bad governance impacts of resource wealth include increased corruption and the financing of military conflict and/or oppression of the people either on the basis of racism and cultural prejudice (as has happened in the Sudan), or to quell protest of environmental degradation affecting living conditions (as in the Niger Delta of Nigeria). I use this distinction between poor and bad governance to assess ways Ghana's oil puts

the country, its economy, and its people at risk through subsequent analysis of Ghana's oil governance. My contribution to this debate, however, is that good governance of resource wealth must include environmental justice issues proactively so the population are not harmed with respect to livelihood and health. It is against this background that I employ environmental justice as the framework for my analyses.

The importance of this chapter to my dissertation is to provide clarity for what the resource curse is about and to analyze various perspectives of the curse's existence or otherwise. In reviewing the perspectives, I have highlighted specific factors that I use to complement my theoretical framework when mapping Ghana's policy process in Chapter 3, and when analyzing the institutional framework for managing Ghana's oil resources and the environment in Chapter 4.

CHAPTER 3

MAPPING THE PUBLIC POLICY PROCESS IN GHANA

3.1 Introduction

Understanding the public policymaking process in Ghana is the focus of this chapter. An understanding of the overall process is imperative in making judgments or assessments about whether the process is adequate or not in delivering specific desired outcomes, such as environmental justice in natural resources extraction. Furthermore, an understanding of the overall policymaking process enables analyses of specific policies in a proper context. In this regard, an understanding of policymaking in Ghana would enable me to situate and analyze the *Guidelines on Environmental Assessment and Management of Ghana's Offshore Oil and Gas* (GEAM) in an appropriate context. Thus, to find out whether the GEAM went through a process that could be judged as appropriate, and whether the product—content of the GEAM—would be adequate to address its objectives and meet environmental justice requirements, a mapping is required of Ghana's policymaking process. Moreover, in mapping, I would seek to identify challenges associated with the policy process.

Before I proceed with the mapping, however, I would like to draw attention to the existence of a dilemma surrounding the definition of "public policy," and the existence of several definitions (Ohemeng, Carroll, and Carroll 2012). Scholars, practitioners, and communities define "policy" differently leading to confusion when discussing it, and often, there is no explicit statement of what one means by "policy." The problem is that what "policy" means is often assumed and taken for granted leaving a conceptual vacuum in place (Ball 1993; Stewart 2014). In order to avoid such confusion, I would adopt a definition by Briggle and Mitcham (2012) of "policy" as "a settled guideline for

action that occupies a conceptual space in between general principle and statutory law" (214).

A "settled guideline" because policies are often contested by different stakeholders and constituencies who have different interests. Contestations may arise with respect to, for example, policy goals, funding mechanisms, or policy implementation strategies. These are often settled with debate and negotiations that entail compromises to reflect a certain common interest. Furthermore, policy is meant to provide a general direction of action and therefore is different from law, which provides specific directions and possesses legal enforceability. Given the definition I have adopted for "policy," individuals and corporations could have policies; but the present project's focus is on public policy. Therefore, I would define "public policy" for the present project as settled guidelines for action relating to problems of common public interest. Typically, such policies are sponsored or generated by publicly funded institutions.

In what follows, I provide a discussion of Ghana's emerging oil industry as a way of establishing some context for further analyses in this chapter. I follow this with an overview of a framework for public policymaking in Ghana. In this framework, I describe the space within which policy is conceived and produced in Ghana. Next, since I undertake some analyses of my fieldwork data in this chapter, I describe the fieldwork and method of data analysis before illustrating the workings of the general framework for policymaking in Ghana with the case of the policy process of the GEAM. Although my interest is in examining the process leading to the GEAM, I am also interested in finding out the extent to which the document is capable of "sustainable development" of Ghana's offshore oil resources and to "mainstream environment, health, safety, and

community issues" in oil activities in Ghana (Environmental Protection Agency 2011, v, 6). To complete this chapter, I discuss some challenges in Ghana's policy process that can also serve as lessons to other African countries seeking to avert the curse of natural resources.

3.2 Ghana's Oil Industry and Impacts

Ghana joined the league of oil-producing nations in 2010 when oil production started from a single oil field discovered in 2007 and named Jubilee Oil Field. The Jubilee field is located about sixty kilometers offshore the western coast of Ghana. Until 2010 when production started in Jubilee, Ghana had been active in the upstream oil industry through several exploration activities and some insignificant production from the Saltpond fields. Thus, Ghana's upstream oil industry, as of 2015, comprised mainly of production from the Jubilee oil field, planned production from a second oil field (TEN field), and several exploration activities offshore. The Teneboa, Enyenra, and Ntomme (TEN) oil field is the second oil field after the Jubilee field since the oil discovery in 2007. TEN lies about twenty km west of Jubilee; however, Ghana and Ivory Coast are currently litigating over ownership of the territory where the TEN field sits. To complement these activities, a number of contractors and sub-contractors provide various auxiliary services to the major contractors and oil companies.

At the time of discovery, the Jubilee field was a joint venture comprising Tullow Ghana Limited, Kosmos Ghana HC, Anadarko WCTP Company, Sabre Oil and Gas, EO Group, and Ghana National Petroleum Corporation (GNPC). Tullow was elected by the other members of the joint venture to operate the unit while Kosmos, as Technical Operator, led the project design and execution (Tullow Ghana Limited, 2009). Kosmos

later sold its share of ownership to ExxonMobil in 2009 (Kapela, 2009). Participation in the new field (TEN field) includes almost the same companies as were in the joint venture that discovered the Jubilee field. The TEN field partners include Tullow, Kosmos Energy, Anadarko Petroleum, Petro SA, and GNPC (CWC Group 2015). So far, the major oil companies in Ghana's upstream oil sector, with respect to production, are Tullow, Kosmos, Anadarko, and GNPC.

Production of oil from the TEN field was set to commence in 2016 with a projected peak production of 80,000 barrels per day (Reuters 2015), but the territorial dispute between Ghana and Ivory Coast has delayed that. In the meantime, only the Jubilee field has produced oil so far since 2010. In view of the location of the Jubilee field offshore, the oil, associated gas and water are recovered from underground through wells that are connected by a network of subsea valves and pipelines. The valves and pipes carry the oil into a floating, production, storage, and offload (FPSO) vessel that is permanently anchored in the Jubilee field. The FPSO then separates the crude oil from the water and gas, and stores the crude oil until it is ready to be offloaded to oil tankers for sale on the international market (Tullow Ghana Limited 2009).

In 2011, the first barge of crude oil left Ghana's Jubilee field for sale and the economic effect was immense. Oil overtook cocoa as Ghana's second largest export earner (Adam 2013). Between 2011 and 2014, about 124 million barrels of oil were produced valued over $13 billion USD. In spite of a Minimum Government Take of twenty-one percent (i.e., total economic returns to Government of Ghana from total production revenue), experts in the sector claim Ghana did not receive the minimum international standard take, which is set at 42% (Kwawukume 2015). The remainder seventy-nine percent went to the Jubilee joint venture partnership. It is important to

point out that Ghana's state-owned oil company—GNPC— is a partner in the joint venture with a share of 10%. However, although oil production provided Ghana with some windfall income and impacted Ghana's economy (GDP grew significantly in 2011 by fifteen percent (Institute for Fiscal Studies 2014)), the oil-endowed country did not benefit from the oil sale as much as the country should have.

This is consistent with Ross (1999), as discussed in Chapter 2, that resource endowed nations often exhibit a sense of myopia in the face of windfall income. In the case of Ghana, the myopia manifested in the fact that the country was satisfied with receiving twenty-one percent of the Minimum Government Take, when they could have obtained forty-two percent. Furthermore, I would argue that this is an example of poor governance on the part of Ghana, where appropriate expertise on oil was not available or engaged to negotiate for a better deal for Ghanaians.

At the same time, a crucial economic impact of Ghana's offshore upstream oil activities is the impact on local fishermen and their livelihoods. Fishermen have been forced out of their regular fishing areas to allow for oil exploration and development. The effect has seen reduction in the incomes of fishermen and the market folks whose trading activities depend on fisheries (Anderson and McTernan 2014). A study conducted by Boohene and Peprah (2011) revealed a perception by women in Cape Three Points and surrounding communities that offshore oil activities negatively impact their livelihoods through reduced availability of fish. Indeed, fishermen in Sekondi Takoradi have reported declining fish catch since oil exploration started offshore (Anderson and McTernan 2014).

Ghana is not only feeling the impact of oil production economically, but is also feeling ecological impacts. Evidence is available of ecological impacts attributable to the

emerging oil sector. For instance, there was a recorded spill of oil from the Jubilee field in 2011: Fishermen discovered the spill and reported the incident to local authorities; however, authorities either did not know what to do or appeared not to take the incident seriously. Either way, there was no official clean up; the local communities were left to clean up the mess with no clear information about the incident. In addition, during the Jubilee field exploration stage, Kosmos Energy reportedly spilled toxic drilling mud on three occasions and the company refused to pay a fine of US$35 million imposed by the Government of Ghana because there was no law to back the fine (Badgley 2012; Smith 2010). Environmental Protection Agency of Ghana's establishment Act, Act 490, mandates the Agency to issue fines for breaches of environmental quality regulations in Ghana; however in the case of the fines that were imposed on Kosmos, "a six-member ministerial committee" investigated the spill and imposed the fine (Enquirer 2010, n.p.). It is not clear why the EPA did not impose the fine on Kosmos, nonetheless, this is an example of poor governance, where a state agency has not been allowed to perform its statutory function, which was usurped by the executive branch of governance through a ministerial committee. On the other hand, this could be interpreted as a lack of confidence in the EPA of Ghana to appropriately handle the case.

The impact of offshore oil activities on livelihoods of fishermen and market women, and the handling of the Kosmos toxic mud spillage are incidents that give cause for great concern. These serious environmental justice issues require deliberate policy articulation for remedy. Moreover, these environmental justice issues are reflections of poor governance early on in Ghana's oil development. In reviewing the resource curse literature in Chapter 2, I noted the absence of consideration for environmental justice, in terms of its role in avoiding the resource curse. It seems to me

that Ghana is reproducing this failure to include environmental justice issues. A poor governance practice that can translate the oil wealth into a curse to the people of Ghana rather than bringing benefits and improvements in their lives. In section 3.7, I examine a major oil management document for Ghana to assess whether the country learned from this early experience with oil and to institute better governance with respect to environmental justice impacts. Before I examine the policy document, I sketch a general framework for policymaking in Ghana in what follows. In this framework, I discuss the roles of Ghana's 1992 Constitution and the various branches of governance, Ghana's Civil Service, and non-state actors in policymaking.

3.3 A General Framework of Ghana's Public Policy Process

The basic and fundamental law of many countries is the constitution. A nation's constitution empowers institutions and provides the bases for several other laws and institutions to be established. In 1993, Ghana reverted to democratic and constitutional rule after several years of military rule under the Provisional National Defense Council (PNDC) (Ayee 1996; Mohammed 2015). Ohemeng and Ayee (2012) provide some discussion of policymaking in Ghana from post-independence (1957) to 1992. The present discussion's focus is post 1992 policymaking, although I recognize that policymaking in this era has been influenced by events, laws, and institutions before 1992. Since 1993 to date, Ghana's 1992 Constitution has been the country's fundamental law recognizing and/or replacing pre-existing laws and institutions prior to 1992. In searching for a framework for public policymaking in Ghana, I find that the fundamental framework and mandate for public policymaking emanates from Ghana's

1992 Constitution. Thus, I discuss some pertinent provisions in Ghana's 1992 Constitution with direct bearings on public policymaking.

3.3.1 Ghana's 1992 Constitution and Policymaking

Ghana's 1992 Constitution dictates a presidential-parliamentary governance structure, which comprises the Executive headed by the President, the Legislature represented by Parliament, and the Judiciary (Ayee 2012). The Executive administers Ghana's Public Service, determines what is made into law by the Legislature, and ensures that laws enacted by the Legislature are implemented. The Legislature's main function is to make laws, which the President ratifies and enforces. The Judiciary's principal responsibility is to interpret the law (Friedrich-Ebert-Stiftung 2011).

Among the three branches of governance, Ghana's 1992 Constitution grants policymaking powers to the Executive in several ways. First, Article 34(2) of the Constitution obliges Ghana's President to inform the people of Ghana about steps being taken to achieve policy objectives in the "Directive Principles of State Policy" (Republic of Ghana 1992, 31). Second, Article 67 of the Constitution requires the President of Ghana to report on the state of the nation to Ghana's Parliament (Republic of Ghana, 1992). This state of the nation report does not only capture the "state" in which the nation is (including problems of public interest); but the report also captures actions the Executive is taking to resolve problems identified by the President in the report to Parliament. Thus, Article 67 obliges the President of Ghana to make policy pronouncements regarding the direction of the country *vis-à-vis* the state of the country. Third, Article 76(2) of Ghana's 1992 Constitution explicitly mandates the President of Ghana to determine the general policy of the government with assistance from the

Cabinet. The Cabinet comprises the President, vice-President, and some Ministers of State (Republic of Ghana 1992). It is clear, given the fact that the President pursuant to Article 78(1) of Ghana's Constitution appoints Ministers of State and that the Vice-President is elected with the President as the President's running mate, Ghana's constitution totally places policy formulation within the domain of the Executive branch of governance.

In managing Ghana's oil resource and the resulting windfall income, the Executive has full control over the sector. The Legislature has some supervisory role in some specific cases (some are discussed below in Chapter 4), while the Judiciary seems to have no role unless when there is need for interpretation of the law for purposes of enforcement. Even when the Judiciary adjudicates, the Executive enforces. The concentration of policymaking in Ghana's Executive is a form of enclave in which the Executive has full control over policy formulation and implementation. This enclave feature of policymaking has the implication of limiting transparency and accountability, and could breed corruption in Ghana's oil sector that would result in the resource curse for Ghanaians. This is possible because there is association between oil development and corruption (Glazebrook and Kola-olusanya 2011; Glazebrook and Story 2012), and corruption and the resource curse (Papyrakis and Gerlagh 2004; Shaxson 2007; McFerson 2009; Pendergast, Clarke, and van Kooten 2011).

There has been discussion to the effect that Ghana's Legislature has a direct role in policymaking in Ghana. However, Ayee (2012) concludes that the Legislature's role in policymaking is constrained by a number of constitutional provisions, including the fact that the constitution mandates the President to appoint the majority of Ministers of State from among members of the Legislature. This constitutional requirement serves to

undermine the independence and effective operations of the Legislature. Furthermore, Article 108 of Ghana's Constitution places a major constraint on the Legislature's policymaking abilities, because, by this article, Ghana's Parliament cannot initiate and formulate any public policy that places financial burden on the state (Republic of Ghana 1992).

There are ways in which policy relates to law within the Ghanaian context. For instance, when the Executive makes policy, it may proceed to prepare a Bill (draft law), based on the policy, for Ghana's Legislature to pass into an Act (law) for enforcement. In this case, the Executive prepares the Bill, sends it to the Legislature to deliberate and pass into an Act, and send the Act back to the Executive (President) to sign the law to take effect. The Executive then enforces the accented Act. In such a case, the Legislature has an opportunity to influence the intended outcome of the policy through deliberations on the Bill. However, more often than not, the Executive does not translate policies into Acts, because the process for doing so takes a long time, and the Executive does not have the patience to go through the process before the next voting cycle that is approaching. Since the Executive branch is usually in a hurry to show to the electorate that it is working, it often would not take a policy through Parliament to pass into law. This situation reflects Gelb's discussion in Chapter 2, that in the presence of windfall incomes, resource endowed governments lack patience to prepare adequately before expending the income (Gelb 1988). The Implication of not transforming policies into Acts are that the policies lack legal enforcement making such policies weak for implementation. Furthermore, when policies are not transformed into law by the Legislature, succeeding governments usually easily dispose of such policies.

3.3.2 Ghana's Civil Service and Policymaking

There is no doubt the Executive branch has responsibility for policymaking in Ghana. Assisting the Executive deliver on this responsibility is the Ghana Civil Service, which is answerable to the Executive. The Service has career professional civil servants (bureaucrats), not politicians (as is the composition of the higher Executive—President and Ministers of State). The Civil Service Act 1993 (PNDCL 327) describes one main objective for Ghana's Civil Service: "to assist the Government in the formulation and implementation of government policies for the development of the country" (Republic of Ghana 1993, n.p.). In meeting that objective, Ghanaian civil servants perform seven functions. Of these functions, five relate directly to government policy. These include initiating and formulating policies for government to consider; providing advice on government plans; conducting research to implement government policies; implementing government policies; reviewing government policies; and monitoring and evaluating government policies (Republic of Ghana 1993).

Under PNDCL 327, the Civil Service of Ghana comprises, among others, the Office of the President, Ministries, Departments, and Agencies. PNDCL 327 enjoins the President to create as many ministries as are deemed fit by the President to cater for specific sectors of Ghana's socioeconomic, political, and environmental spheres. Consequently, a Ministry in Ghana is the highest establishment for its respective sector and consists of Departments and Agencies (Republic of Ghana, 1993). Since Ministries are the highest institutions for their respective sectors and Ghana's constitution confers on the President the power to appoint Ministers of State, politicians head Ministries. The highest position for a civil servant in the Ministries is the post of Chief Director.

Ministries relevant for Ghana's oil sector include the Ministry of Energy, the Ministry of Environment, Science, Technology, and Innovation (MESTI) and (to some degree) the Ministry of Finance. My assessment of the Ministries' relevance relates to the extent to which they promulgate and implement policies, regulations, and laws on oil and the environment. The MESTI, through Ghana's Environmental Protection Agency, has responsibilities for making and enforcing environmental policies and regulations. In Chapter 4, I discuss the roles of relevant Ministries and Agencies in Ghana's oil sector. Apart from the Civil Service, there are other "social actors" in the policymaking process in Ghana (Ohemeng and Ayee 2012, 24). These are non-state participants.

The nature of policymaking in Ghana prior to constitutional democracy under the 1992 Constitution was "elitist and exclusionary," limited to only politicians, bureaucrats, and expatriates from donor countries and organizations (Mohammed 2015, 45). But, although the political domain for public policymaking expanded after 1992 (Ohemeng & Ayee, 2012), it has not immediately translated into broader participation. Broadening participation in public policymaking in Ghana has been gradual, and it continues to expand to accommodate more stakeholders and participants. Participants, including identifiable non-state institutions and stakeholders such as chiefs and traditional leaders, civil society organizations (CSOs), think tanks, and the private sector, are now participating in public policymaking in Ghana. It is important to underscore the point that not all non-state actors get the opportunity to participate in every policymaking process; however, in principle, the potential is there for their participation.

The influence of non-state actors such as CSOs and think tanks on public policymaking in Ghana is well recognized, not only for the purposes of broadening the policymaking process, but also there is recognition of their capacities, expertise, and

worldviews. These characteristics contribute to enhancing the capacities of state institutions for policymaking, because CSOs share their expertise and resources with state actors. CSOs also function as watchdog institutions to voice concern over impacts of policies on public interest. Recognizing these, the Government of Ghana has directed all state Agencies to involve stakeholders in policymaking (Ohemeng and Ayee 2012). The convention of inviting stakeholders to participate in public policymaking continues, and the practice has progressed to the extent that some of the non-state actors (CSOs in particular) commence conversations on public policy prior to their invitations. Where they are not invited and there seems to be lack of transparency in a policy process, CSOs critique and connect government activities and policy to population impacts.

Thus, Ghana's public policymaking arena inside Ghana includes state actors and non-state actors. The state actors comprise of the executive branch of governance and bureaucrats of Ghana's Civil Service, while the non-state actors are often identified and invited to participate in the process by agents of the state actors depending on the policy at stake, and at the discretion of the policy originator (the Executive). The non-state actors often include CSOs, think tanks, traditional/opinion leaders of communities, and academic experts.

In many instances, there is a third set of actors (also non-state) in Ghana's policymaking space—international organizations. Ghana relies tremendously on development aid from the global North, international aid organizations, and institutions affiliated with the United Nations. There are instances where international organizations have participated in Ghana's policy processes, typically through the provision of funds either for the policymaking process or for implementation, and through provision of technical assistance through the assignment or procurement of consultants to facilitate

the policymaking process. Participation of international organizations may be indirect, but it is nonetheless a strong force in influencing policy directions and outcomes, especially when international organizations provide policymaking facilitation through funding and consultants. Also included in this group of actors are regional bodies (e.g., the Africa Union and the European Union), and sub-regional bodies (e.g., the Economic Community of West African States). Where Ghana is a signatory to conventions and treaties as an affiliate to these organizations, Ghana has to transform the treaties into national policies, and there is often a template available for all countries signing the treaties to adopt. Ghana is a signatory to several international treaties and conventions.

The World Bank and IMF also fall into the category of international organizations that affect policymaking in Ghana; they are not just funding institutions. They are the two most influential international organizations on nation-states in the global South, with the World Bank aiming at development, while the IMF at economic stability. The World Bank often has many strings attached when providing funding, and can impose sanctions. For instance, the World Bank fined Ghana $40 million in 2001 for not providing accurate statistics. The IMF equally plays a substantial role in Ghana's policymaking process. For instance, the IMF supported Ghana's development policies and strategies on poverty reduction between 2003 and 2009, and continues to provide support for development strategies and frameworks.

Fig. 2 summarizes the kind of interactions taking place in Ghana's public policymaking space. It is within this framework that I will situate and examine the Guidelines on Environmental Assessment and Management (GEAM) of Ghana's Offshore Oil and Gas. Before I do so, however, I describe my field method of data

collection and analysis in the following section. This is important at this stage because I will draw on my fieldwork interviews as part of my examination of the GEAM.

Fig. 2. Schematic diagram of policymaking in Ghana with respect to oil

3.4 Fieldwork, Interviews, and Analysis

I interviewed eleven participants on-site in Ghana. The participants were targeted informants employed at institutions I purposely selected. They were purposely selected based on literature I reviewed that showed that the institutions participated in Ghana's policymaking on oil, and therefore possessed knowledge and information relevant for this study. During interviews, I complemented this recruitment method of targeting identified informants with snowball sampling: at the end of each interview, I would ask the interviewee whether s/he knew of any other person/institution I could contact for an interview. I sent official letters to the heads of the institutions, and requested appointments to meet with them or an appointed representative for the purpose of an interview. In several instances, I had to make personal follow-up visits to ask if my letters have been received and if there was any response to my requests. I was successful in obtaining eleven interviews representing ten institutions. The institutions spread across various sectors, although not evenly so.

The category on institutions with the highest number of participants (four) was the policymaking and central government category. In this category, I interviewed persons at the Ministry of Petroleum (MoP); the Ministry of Environment, Science, Technology, and Innovation (MESTI); the Environmental Protection Agency (EPA); and the Petroleum Commission of Ghana (PCG). The next category (with three institutions, although with four interviewees) was the academic and knowledge institutions. I interviewed subjects at the Science and Technology Policy Research Institute of the Council for Scientific and Industrial Research (CSIR-STEPRI); the Economics Department of University of Ghana (UG-ED); and the Institute of Environmental and Sanitation Studies of University of Ghana (UG-IESS). The third category of institutions

was the oil and gas companies. In this category, I was successful with two interviews in two quasi-state owned companies, namely the Ghana National Petroleum Corporation (GNPC) and the Ghana Gas Company (GGC). The last category was the civil society organizations, where I was able to interview one person from one institution—the Integrated Social Development Centre (ISODEC).

I personally interviewed all participants, with interviews lasting between forty-five and ninety minutes. There were three instances where more than one interviewee participated in the interview session. In these cases, although I addressed one person with my questions, I welcomed contributions from the other persons present even though I did not oblige them to participate. To facilitate and direct the interviews, I prepared and used interview guides. The interview guides ensured interviews were focused on themes of the subject matter. The interview guides were tailor-made for each of the four categories of institutions. Copies of the interview guides can be found in Appendix B. In addition to having the interview guides, I arrived for every interview with my notebook, audio recorder, and an informed consent form for participants to read, ask questions if they wished, and then sign. Every interviewee signed the informed consent form; an unsigned copy is available in Appendix C.

In terms of analyzing the interview data, the recorded interviews were transcribed into text. This text, my observations, and notes I took during the interviews were subjected to the hermeneutic method for thematic content and narrative analyses. The hermeneutic approach follows Kvale (1983). In applying the hermeneutic method to qualitative research interviews, Kvale (1983) suggests seven principles on the bases of the canons of hermeneutics stipulated by Radnitzky (1970). According to Kvale (1983) the first principle is to develop an iterative "*back- and forth process between parts and*

the whole" of the material being interpreted (italics in original) (186). With the second principle, the researcher must obtain full understanding of the internal coherence of the text devoid of logical contradictions. Third, the researcher has to test his understanding of the parts/themes of the interview with the general understanding of the interview. Fourth, for understanding, the researcher should rely strictly on the interview—the understanding should be reached sole on the basis of what the interviewee says during the interview. Fifth, the researcher must possess extensive knowledge of the themes of the interview on the bases of which he should be able to discern meanings and nuances. Sixth, the researcher ought to be aware that interpretation is "*not presuppositionless*," (italics in original), and so the researcher ought to be mindful of his presuppositions (187). The seventh principle is that the researcher must be creative, creative in terms of the ability to obtain deeper understating of the interview and apply the understanding obtained from the analyses of specific parts/themes of the interview.

These principles are relevant and useful for my study, for which I adopted them to aid in the analyses. In addition to the hermeneutic approach, I coded the data by organizing the transcribed texts on the bases of the categories of institutions the interviewees represent. I then searched for trends in specific themes and keywords from among the transcribed texts. In what follows, I now examine the GEAM's policy process.

3.5 Policy Process of the GEAM

Part of the following analyses draws on interviews I had with the personnel of Ghana's Environmental Protection Agency (EPA) while the other part is based on my own assessment of the Guidelines on Environmental Assessment and Management (GEAM). I start this section by presenting a description of the processes leading to the

production of the GEAM. Next, I provide a critique of the policy process of the GEAM, followed by an assessment of its environmental justice content, an examination of capacity to support good governance of oil development, with particular attention to environmental justice impacts.

Ghana's EPA is the state agency under the Ministry of Environment, Science, Technology, and Innovation (MESTI) with the mandate to protect and improve on the environment in Ghana. Established in 1974 by the National Redemption Council Decree (NRCD) 239 as the Environmental Protection Council, Ghana's EPA was given its present powers and status by Act 490 of Parliament in 1994. The EPA's mission is to "co-manage, protect and enhance the country's environment" (Environmental Protection Agency 2017, n.p.). Per Act 490, the EPA has policymaking, policy implementation, and regulation-making and enforcement functions. For its policymaking function, for instance, Act 490 directs the EPA to "advise the Minister on the formulation of policies on the environment…" and to "prescribe standards and guidelines relating to the pollution of air, water, land and any other forms of environmental pollution…" (Republic of Ghana 1994a, IV-3-IV-4). In the function of advising the Minister, the EPA is at the behest of the Executive branch of governance (represented by the Minister of State). In the function of prescribing guidelines and standards, however, the EPA is empowered by Act 490 to "prescribe" directions for actions at the EPA's own behest, though even with this, the EPA is accountable to the Executive branch. The GEAM is thus a product of the latter function—an in-house product of Ghana's EPA.

During my interactions with personnel of Ghana's EPA, the Petroleum Commission of Ghana (PCG), and the Ghana National Petroleum Corporation (GNPC), there was deliberate attempt to clarify to me that the GEAM is not "policy," but a set of

guidelines. For instance, at the EPA, I was told, “this is not policy, it is just a guideline” in reference to the GEAM. Yet, they did not provide me with a definition of “policy.” Two ramifications emanate from this point of view. First, it sends the perception that “policy” is a document produced by Ministries of state and handed down to departments for enforcement—Departments do not make policy. Indeed, a Senior Program Officer at the EPA where the GEAM was produced told me “it is the ministry that deals with policy issues.” But policies may be “hard” or “soft” depending on their levels of enforceability. For instance, there is hard policy through military coercion, payment, and enforceable regulatory systems on the one hand. On the other hand, there is soft policy that appeals to and shapes preferences through advice and guidelines. While soft policies may appear unenforceable, there is some level of enforcement, typically through administrative actions—for example, appeals and guidelines (as with the GEAM in some respects). Hence, I would argue that when my respondents say the GEAM is not policy, they mean the GEAM is unenforceable and does not have the effect and impact of a policy. However, I would argue that the GEAM has enforceability to a greater extent because of the underlying and background documents from which it was prepared.

Second, I would agree there are aspects of the GEAM that are unenforceable as hard policy would be, which means that there is no full accountability in Ghana’s oil sector under the GEAM. This is illustrated by the manner in which the 2011 oil spill was handled. There was a state of confusion and neglect when oil from the Jubilee Field spilled in 2011 and local communities were left on their own to deal with the spill although the GEAM contains provisions for dealing with such instances of oil spill. State authorities left local communities on their own in spite of the GEAM’s provisions because such provisions are of a soft nature and lack stringent enforceability as hard

policy would be. I would argue that this is an issue for environmental justice since there is no enforceability for some key provisions of the GEAM as in the case of the 2011 oil spill. Hence, I would propose that the GEAM be formalized through the legislative process into law or separate legislation be enacted that extracts the unenforceable provisions of the GEAM to address environmental justice in the oil sector.

Oil production began in 2010, but the GEAM was not produced until 2011, a year later. That is not to say that there were no environmental regulations directing oil production in Ghana. Ghana has had an environmental assessment regulation in place since 1999 that would apply to oil production in the Jubilee Field, although the regulation did not anticipate and provide detailed provisions for oil production. In addition, it is important to note that Ghana is a signatory to several international conventions on the environment and the sea that could have been invoked to manage activities of oil companies (see discussion in Chapter 4 below). There was an environmental policy context for oil development in Ghana, but, among other challenges, it was fragmented over multiple documents and offices. The GEAM collects the core of these fragments together in one place, supported, as I will show in the next chapter, by enforceable policy and regulatory documents.

Part of the legal grounding of the GEAM is accordingly Ghana's Environmental Assessment Regulations of1999, Legislative Instrument (LI) 1652. LI 1652 prescribes Ghana's environmental impact assessment scheme that requires environmental impact assessment for development activities likely to impact the environment negatively (Environmental Protection Agency 2011; Environmental Protection Agency 1999). Moreover, oil development in Ghana belongs to the list of development activities in "Schedule 2" of LI 1652 that specifically require environmental impact assessment. It is

within this framework that the GEAM was produced with a goal to “mainstream environment, health, safety and community issues into the offshore oil and gas operations” (Environmental Protection Agency 2011, 6).

The policy process leading to the production of the GEAM began with the constitution of a team of two people in-house at the EPA. The team did the initial research and put together a framework for a zero draft document, i.e., a first attempt to assemble relevant thoughts and issues, and then two more people joined the team to edit and review the document. The reviewed document then became the first draft. The four people who prepared the first draft were staff in the Petroleum Department of the EPA that was created when oil production started in Ghana. Having prepared the first draft within the confines of the Petroleum Department, the document was presented to “internal stakeholders” within the EPA for deliberation.

The internal stakeholders comprised a team of twenty experts in various fields and backgrounds, and specialist staff of Ghana’s EPA. These experts were invited to an internal consultative forum to bring their expertise to bear on the first draft. According to the Head of Petroleum Department of the EPA, the purpose of the exercise was to “ensure that the document is consistent with what the EPA is doing,” “What the EPA is doing,” i.e., the EPA’s existing regulations, laws, policies, and functions. In addition, these experts and specialists were expected to bring on board their specialist knowledge to enrich the draft policy; to remove any deficiency the policy document might have; and to preempt the “surprise” identification of loopholes in the policy document during a wider stakeholder consultation to be organized later. After the internal stakeholder consultation exercise, relevant inputs taken from the experts and

specialist were incorporated into the first draft document. The document was then prepared for a wider external stakeholder consultation exercise.

The external stakeholder consultation exercise had one main purpose—to look at the subject matter of the policy document. In this regard, part of the policy process entailed identifying institutions and organizations whose mandates and functions were relevant to the subject matter and objectives of the policy under consideration. Among the relevant stakeholders identified included supervisory ministries (the Ministry of Environment, Science, Technology, and Innovation, and the Ministry of Energy), allied agencies like the Petroleum Commission of Ghana, Ghana National Petroleum Corporation, Civil Society Organizations, and industry players in the private sector (i.e., corporations).

During the external stakeholders' consultation and review, suggestions were made to improve the document. The suggestions were screened and those found to be relevant to the objectives of the guidelines were incorporated and the document updated. Input collected for use in reviewing the draft after the external stakeholders' consultation also came from Norway's Environment Agency, which worked closely and supported Ghana's EPA to manage Ghana's environment in the offshore oil sector. Assistance from Norway's Environment Agency to Ghana's EPA was under the Norwegian government's Oil for Development (OfD) program, an instrument of development cooperation between the governments of Ghana and Norway. The cooperation program started in 2010 when Ghana started oil production and ended in 2014, but in 2015 was extended for five years (Norad 2016)

Once the draft document was updated with inputs from identified stakeholders, and the EPA of Ghana was satisfied with the level of review, the document was

published in 2011. According to a Senior Program Officer at the Petroleum Department of the EPA, the document did not go through Parliament for deliberation, and was not passed into law before its launching: “it is a guideline,” not a law. There are questions to be raised about the policy process of the GEAM, in particular, the nature of stakeholder participation in the process. I discuss these in the next section.

3.6 A Critique of the GEAM’s Policy Process

Generally, public policymaking is a complex and dynamic exercise for which no single approach exists. Besides, no outcome of a particular policymaking process is ever completely satisfactory to all constituencies or stakeholders of the policy, because there are always diverse interests and perspectives of various interest groups. However, in judging a policy process, one thing that should be looked at is public participation in the policy process. After all, it is through participation that various stakeholders have the potential to seek values they perceive would inure to their benefit (Clark 2002) and affect their situations. Hence, I examine the extent of public participation in the policy process of the GEAM, and in doing so, encounter what Clark (2002) calls a “social process,” i.e., “interaction of every individual and organized interest in society” (Clark 2002, 32). In the social process, one sees several interactions among various stakeholder groups and individuals who can be impacted by the policy proposal.

Critiquing the GEAM by looking at participation of interest groups in the policy process evokes seven elements: participants, perspectives, situations, base values, strategies, outcomes, and effects (Clark 2002). By participants, Clark (2002) is referring to the individuals, groups, and organizations participating in the policymaking. These

participants have perspectives in the form of demands, expectations of the policy, and identities that they bring to bear on the policymaking process and ultimately, the policy document. Furthermore, participants emanate from situations—their spatial, temporal, and institutional settings—that influence their perspectives and participation in the policymaking process. Participants make use of assets or resources in order to engage in the process, and achieve their goals. Clark calls these assets base values. Base values are different from, but work well with, strategies. Participants have and use different strategies to affect their participation in policymaking and to achieve their goals. According to Clark (2002), whereas outcomes are the immediate consequences of interactions among various participants of the policymaking process, effects represent the overall—long-term—consequences of the interactions. I discuss the policy process of the GEAM using Clark's seven elements in the following.

Concerning participants, the GEAM process did not exhaust the array of diverse participants that should have participated. The process did not include local communities; participants were formal institutions that were easy to identify and reach, including state departments and agencies, and oil companies. The process did not include informal institutions or representatives of marginalized rural communities onshore near the offshore oil activities in Ghana's Western Region, i.e., the communities most likely to be impacted by the oil development. Hence, it is most likely that the perspectives of the local communities were not adequately captured in the GEAM document. Even if other participants (experts, for instance) raised concerns on behalf of local communities, these experts would not likely have been effective in articulating the perspectives of the local communities with respect to their identity, expectations, worries and demands. For Clark (2002), identity "lies at the heart of a

participant's perspective" (36) because it determines a participant's values and affects their expectations and demands. Thus, the absence of local communities in the policy process of the GEAM has manifested in a low level of local communities' role in the GEAM.

It is possible to discern the situations ("'zones' in which social interactions take place) of local communities in Ghana's offshore oil activities through studies and sociological analyses (Clark 2002, 39). However, obtaining deep understanding of communities' complex situations (e.g., of how their values affect their demands and use of marine resources), requires intimate knowledge of communities' socio-economic dynamics. Indeed, it requires one to live the "situations" of local communities. Moreover, since there is no homogeneous situation depicting a community, and communities' situations change with their values over a period of time (Clark 2002), it would be difficult to extract local communities' situations from empirical studies and sociological analyses alone. Therefore, the non-participation of local communities in the GEAM process resulted in a superficial analysis and conclusion about the situations of local communities close to the oil activities.

Local communities already have values that are useful for the sustainable development of their communities, and for managing Ghana's marine resources off their coasts. Clark (2002, 40) calls these values "base values." Base values include power, which can be used to acquire more power or to influence allocations of benefits and burdens. Power can serve to emancipate local communities because power has effect on access to information, which gives local communities advantage and allows communities assert themselves, demand their rights, and carry out their obligations devoid of unwarranted external influences. When power is well directed, it could yield

benefits that affect communities as a whole. The non-participation of local communities in the GEAM process places local communities at a disadvantage in terms of bringing their values to bear on the environmental management of Ghana's offshore oil operations and marine resources.

Apart from base values, communities also have "scope values"—values "demanded or sought as ends or outcomes" in themselves (Clark 2002, 40). Scope values may be the ultimate goal or interest of a policy-stakeholder or community, and communities adopt different strategies in pursuit of their scope values (Clark 2002). Four of such strategies have been identified by Clark (2002): diplomatic, ideological, economic, and military strategies. Diplomatic strategies include negotiations among representatives of policy-stakeholders (interest groups) to settle differences in their scope values. Unlike diplomatic strategies where communication is among representatives of policy-stakeholders, in ideological strategies communication is to the general public and entails mass communication of ideas to sway the worldviews or perspectives of the general public (akin to propaganda). For Clark (2002), diplomatic and ideological strategies are "communicative," that is, they make us of symbols in sending across ideas (41). In the GEAM process, initiating and encouraging open communications between local communities during the policy process would have seen local communities deploying their diplomatic and ideological strategies (communicative approach) in putting across their scope values and needs. However, that was not the case and if that continues, local communities may resort to other strategies when their "economic strategies"—"practices that rely on the production and distribution of goods and services" (Clark, 2002, 41)—fail to affect their situations. Economic strategies of the communities are weak since they are rural communities with little to no formal

economies that can affect the regional and national economies in Ghana, or affect economies of oil companies and compel them to negotiate. With military strategies—"resources as weapons" (Clark, 2002, 42)—local communities may be able to wield this to put across their demands in order to affect the value of an outcome in their favor. This strategy, however, is not desirable as it may lead to conflicts that would not optimize the outcomes desired by any policy-stakeholder in the end. The situation in the Niger Delta of Nigeria where militias are fighting the government of Nigeria and oil companies exemplifies the use of military strategies. Local communities should not be compelled to take that approach to seek better outcomes for themselves.

Consequences resulting from the social process (including the immediate product of a policy document) are values: consequences valued as "outcomes" that "indulge or deprive participants of a given situation" (Clark, 2002, 42). Depending on the perspective of a participant, an outcome may be accepted or rejected. It is likely that some participants of a social process would reject an outcome, because their perspectives were not taken into consideration, as they did not participate in the social process. This is the scenario I find with communities along the coast of Ghana's offshore oil operations. The outcome of the GEAM's social process has engendered a new social process, including the discussions in this dissertation, to seek a better outcome from the situations and perspectives of communities along the coast of Ghana where oil activities are taking place. Unlike outcomes that are short-term consequences, "effects" are "long-term outcomes in terms of values, institutions, and society" (Clark, 2002, 43). Effects reflect the overall impact of outcomes of a policy and could manifest as behavioral changes in individuals and communities; establishment or destruction of institutions; changes in social and economic statuses; and/or changes in values. In

terms of effects of the GEAM, some are discernible while for some, it would be too soon to manifest. For instance, while one effect of the GEAM—the establishment of health and safety committees by oil companies is obvious, Though it may be too soon to determine the effect of the GEAM on socioeconomic status of communities and their inhabitants, there are already studies indicating that the socio-economic effects of oil development on local communities in Ghana are not favorable (cf. Ackah-Baidoo, 2013; Boohene and Peprah, 2011).

In reflecting on participation in the policy process of the GEAM, I invoked Clark's seven elements of the social process of policymaking (participants, perspectives, situations, base values, strategies, outcomes, and effects for my analyses. Analyzing the policy process of the GEAM from the standpoint of participation aligns with the quest to democratize environmental governance and natural resources management. Viewing the GEAM process through the lens of participation and the social process, I would argue that adequate attention was not paid to broadening participation to include local communities, perhaps because these communities were not identified as relevant stakeholders in the management of the offshore environment and resources of Ghana. On the other hand, the local communities were not considered to possess knowledge and expertise in policymaking. However, the problem of limited participation in public policymaking in Ghana is not a problem peculiar to the GEAM process alone; it is a problem endemic, generally, in Ghana's policymaking space. Bawole (2013) for instance concludes in a study that attempts to engage participation of local stakeholders in the environmental impact assessment process of oil activities are "cosmetic and rhetoric with the view to meeting legal requirements" (385).

True, since Ghana returned to constitutional rule, public policymaking space has enlarged to include many more participants, and there is recognition that room exists for more participants. However, in Ghana's policymaking space, while increasing participation is important, other issues are equally important to ensure effective participation. Mohammed (2015) analyzed participation in public policymaking in Ghana in respect of issues such as "depth, quality, legitimacy, and impact" of participation (44). Thus, while it is important to call for improvements in the democratization of environmental governance through broader participation, it is also important to ensure that participation is effective by calling for depth and quality of participation.

Having concluded that the GEAM's policy process was not inclusive enough to cater to participation of local communities in the process, I now turn attention to analyze the content of the GEAM document itself. I intend to assess whether Ghana has learned from the early experience with oil so far and, through the GEAM, has moved to institute better governance structures that incorporate plans to identify and address environmental justice impacts.

3.7 Examining the GEAM

GEAM's purpose is to "mainstream environment, health, safety and community issues into the offshore oil and gas operations" in pursuit of sustainable development (Environmental Protection Agency 2011, 6). Hence, the GEAM's specific goals are to assist operators in Ghana's oil sector with the environmental assessment process, and to identify and manage any environmental impacts emanating from the sector's activities. Consequently, to examine the GEAM, I use an environmental justice framework to look at the extent to which its provisions and directions address this

purpose. For my analyses with respect to environmental justice, I rely on the trivalent conception of environmental justice as adopted in Chapter 1. This trivalent conception captures environmental justice as an objective that seeks to attain distributive, procedural (participatory), and recognition justice.

3.7.1 About the GEAM

To facilitate my analyses, I present a summary of key provisions of the GEAM in the following for subsequent discussion in sub-sections 3.7.2 and 3.7.3. I begin this summary with a presentation of the GEAM's objectives, principles, and protocols, followed by a summary of the document's three sections entitled "Industry specific impacts and management," "Performance indicators and monitoring," and "Industry specific requirements." To mainstream environment, health, safety, and community concerns into oil operations, the GEAM seeks to meet three specific objectives that include:

> (i) Establish a system for identifying and managing environmental impacts associated with offshore operations
> (ii) Provide industry and government with clarity on the current regulatory requirements
> (iii) Provide for dialogue between industry and government to address opportunities and risks in the industry. (Environmental Protection Agency 2011, 6-7)

In addition to these specific objectives, the GEAM is premised on eight principles and two protocols. In the first principle, the GEAM directs oil companies to ensure their activities align with government policies and regulations on sustainable development. The second principle requires oil companies to carry out their activities in openness and transparency. The third instructs operators in the oil industry to adhere to "reasonable

and prudent" standards throughout their activities (Environmental Protection Agency 2011, 9). The Precautionary Principle is the GEAM's fourth principle, which among others, requires oil companies to prevent environmental degradation even in the absence of scientific knowledge, and to bear the burden of proof that an activity would not adversely affect the environment. The fifth principle calls for oil companies to adopt and apply best practices to reduce and prevent negative impacts of their activities on the environment. In respect to the sixth principle, oil companies must employ the best available technology to avert pollution at the source. Principle seven holds oil companies liable to pay for any cost incurred in cleaning up pollution resulting from activities of the companies; and the last, principle eight, stipulates that "international best practices present the most ideal set of standards on which to base decisions and be duly exploited" (Environmental Protection Agency 2011, 10). That is, companies in Ghana's oil industry must exploit international best standards to manage their activities. The two protocols in the GEAM are "consultation" and "data and information" (Environmental Protection Agency 2011, 10-11). Consultation requires oil companies to be responsive and to share in communities' concerns for the environment. The second enjoins "industry and government agencies" to contribute to the provision of existing relevant environmental information for the purposes of making environmental assessments.

The GEAM is structured into three major sections that capture its specific and detail provisions. The first section prescribes procedures for managing "industry-specific impacts" of the country's offshore oil sector. Areas covered under this section include impacts on the environment, occupational health and safety, community issues, and security (Environmental Protection Agency 2011, 43). In respect to the environment, the

document's provisions address air emissions, waste, noise, spills, decommissioning, and other waste streams. For occupational health and safety, the GEAM covers areas relating to air quality, hazardous materials, personnel transfer and vessels, well blowouts, ship collision, and emergency preparedness and response. Concerning community health and safety, the GEAM clearly acknowledges that offshore oil activities will affect local communities. A significant potential impact is on the community food source as oil spills can contaminate fish. The GEAM thus requires offshore operators to provide information regarding location of offshore facilities and timing of activities to maritime authorities and fishery groups. In addition, offshore operators must clearly mark locations of fixed facilities and safety exclusion zones, and must provide instructions regarding limitations to accessing the exclusion zones to other sea users. The GEAM requires operators to appoint a person as liaison between fishing communities and operators, in "areas where significant impacts to fishermen are anticipated" (Environmental Protection Agency 2011, 93). What is "significant" in this context is arguable since no definition for it exists in the GEAM.

Furthermore, on community issues, the GEAM requires operators to develop plans for community relations and communication channels "in order to improve relations and minimize conflicts between the parties" (Environmental Protection Agency 2011, 96). I interpret "parties" to mean mainly local communities, offshore oil operators and their subcontractors, and government. The final area of the GEAM under the first major is security—security of offshore facilities, security of the personnel on board, and security of the oil. Securing the offshore facility is very important for the EPA and the operators. Thus, the GEAM directs operators to conduct "security assessments of their

facilities [….] and develop security plans" to protect their facilities and prevent unauthorized access to facilities (Environmental Protection Agency 2011, 96).

In the second major section, the GEAM deals with "performance indicators and monitoring." The section provides directions on ways operators' activities would be monitored (Environmental Protection Agency 2011, 99). The directives outlined in this section cover environmental emissions and effluent guidelines, environmental monitoring, and occupational health and safety. Furthermore, the section provides that community health and safety be monitored by operators against a list of indicators that must have been determined during the impact assessment stages of oil projects. Oil companies are required to conduct environmental impact assessments prior to commencing oil development projects (cf. Chapter 4 below).

The third and final major section of the GEAM, "industry specific requirements," describes mandatory actions operators must take to ensure "oil and gas development activities are conducted in safe and responsible manner" (Environmental Protection Agency 2011, 105). Specific directives in this section require operators to cooperate among themselves to plan and monitor the external environment in their areas of operation, although, there is no mention of cooperation with communities onshore—communities that depend on the marine resources offshore and whose environment could be impacted by oil development. Other specific directives include remote measurement of acute pollution, baseline surveys, environmental monitoring, follow-up surveys, and characterization of oil and chemicals. With respect to emissions and discharges into the external environment, the GEAM provides for discharge of oil-contained water, emission to air, ecotoxicological testing of chemicals, categorization of chemicals, environmental assessments, choice of chemicals, use and discharge of

chemicals, chemicals for emergency preparedness, discharge of cuttings and particles, and several other specific directives. Another assignment would be required to assess the extent to which these duties are met.

3.7.2 The GEAM and Environmental Justice

From the summary of the GEAM above, it is clear the document contains plans and provisions bordering on environmental justice issues. Of the eight principles, the second, fourth, fifth, sixth, and seventh seek to address environmental justice issues. The second principle is about openness and potentially provides for the inclusion of diverse groups of stakeholders in the environmental management of Ghana's offshore oil activities. Hence, procedural justice is achievable in theory. The principle also implicitly evokes recognition justice and distributive justice in Ghana's offshore oil industry. The fourth, fifth, sixth, and seventh principles explicitly seek to address distributive justice, as they relate to the prevention and reparation of negative environmental consequences of oil production. The principle of sustainable development, depending on its articulation in the GEAM (beyond it being stated as a principle), could have potential to recognize and address environmental justice concerns. However, as the principles appear in the GEAM, it is not clear which way one should read and interpret sustainable development throughout the GEAM. Moreover, I am not convinced that oil operators would be able to align "all" their activities with Ghana government policies on sustainable development as the principle requires.

With respect to the protocols, since the first protocol requires oil companies to be responsive and share in communities' concerns for the environment, it is my expectation that the companies would consult all relevant stakeholders in this regard,

and, thus, communities. This protocol is an attempt by the GEAM to address procedural and distributive aspects of environmental justice, particularly in terms of engaging local communities to participate in protecting their environment. The second protocol enjoins industry and government agencies to contribute to the provision of existing relevant environmental information for the purposes of making environmental assessments. Although the GEAM's first protocol requires oil companies to consult stakeholders and communities, the GEAM does not provide details of what the consultations should be. Moreover, given the fact that the GEAM takes some of its provisions from LI 1652 (see 3.5 above), it could have referred oil companies to sections of the LI addressing community engagement and expand that, because the LI's own section on public hearing is narrow (cf. Chapter 4 for detailed discussion of the LI 1652).

In the major sections of the GEAM, abundant provisions exist to address some distributive aspect of environmental justice in terms of protecting the environment from pollution and degradation, and the lives of people in local communities onshore and personnel offshore. I have captured some of these important provisions in the summary above (3.7.1). However, the major sections of the GEAM falls short when it comes to procedural and recognition justice. As such, and in view of my acceptance of the trivalent conception of environmental justice, I would argue that the GEAM requires review in order to address environmental justice comprehensively in Ghana's oil sector.

The GEAM is a good starting point for further deliberation on ensuring that the environment, human well-being, and livelihoods are protected in the face of oil development to avoid emergence of the resource curse in Ghana. In the light of contributing to deliberations on the GEAM, I would like to highlight specific shortfalls of the GEAM in respect of managing the environment and addressing environmental

justice. I discuss these shortfalls in three ways that align with the trivalent conception of environmental justice—distributive, recognition, and procedural justice.

First, in terms of distributive justice for instance, Ghana has a policy of not flaring any gas associated with oil production. Gas flaring is “controlled burning of natural gases associated with oil production” (Nwaugo, Onyeagba, and Nwahcukwu 2006, 1824). Yet, in managing impacts of offshore oil activities on the environment, the GEAM provides that flaring can be carried out by operators under certain conditions, such as for safety reasons, “emergency, power or equipment failure, or other plant upset condition and start up (sic) operations” (Environmental Protection Agency 2011, 46). The problem with this provision is that though the GEAM prescribes measures to control and prevent pollution in the process of flaring, the GEAM does not require oil companies (operators) to seek approval from the EPA or some other regulatory authority prior to flaring. There is thus potential for operators to abuse those exceptions for gas flaring because flaring is a cheaper way of disposing off unwanted gas associated with oil during extraction. Meanwhile, deleterious effects of gas flaring have been found on people in Nigeria in cases of cancers, skin and respiratory disease, and effects on childhood development (Glazebrook and Kola-olusanya 2011); soil microbial activity (Nwaugo, Onyeagba, and Nwahcukwu 2006); crops production (Dung, Bombom, and Agusomu 2008); and contributions to greenhouse gas emissions (Anomohanran 2012). Therefore, to allow operators the opportunity to flare gas without prior approval could be detrimental to the environment and health of local communities. In instances where companies need to flare gas immediately for safety reasons, the GEAM must require companies to furnish the EPA or a regulatory organization with reports within a certain period to allow for follow-up investigations.

Second, in terms of recognition justice, although the GEAM acknowledges there could be some impacts of operators' offshore activities onshore; there is no recognition of onshore communities' role in relation to environmental management. This may be justified in some respects given that oil activities are offshore and require a certain level of technical knowledge and expertise. Nonetheless, this does not constitute sufficient grounds for the misrecognition and non-recognition of local communities, since the offshore oil activities have implications onshore. For instance, offshore oil spills can have devastating impacts onshore, and I recall the oil spill incident in 2011 when Kosmos spilled oil that washed ashore. Spills also affect fish with livelihood and health impacts on people who rely on fish for food security. Furthermore, as far as recognition of the values of local communities is concerned, the GEAM does not prescribe ways operators should treat the values of local communities as part of the management of the environment.

Third, since proposals in the GEAM for managing impacts of offshore oil activities on the environment fall short with regards to recognition justice, it affects the achievement of procedural justice as well. Moreover, although the GEAM has a section called "community issues," the document does not require offshore oil operators to ensure the participation of local communities in the environmental management activities. Yet, the GEAM clearly acknowledges the potential impacts of offshore oil activities on communities onshore. Thus, when it comes to the management of offshore oil activities on the environment, the GEAM proposes little for ways to involve local communities. I discuss the role of local communities later in this section, where I recommend roles local communities could play.

The GEAM is an important document and part of the overall system of governance mechanism established to protect Ghana from encountering the resource curse. In what follows, I examine ways in which the GEAM can serve to promote or hinder good governance in Ghana's oil sector. In this discussion, I relate tenets of the GEAM to the resource curse literature I reviewed in Chapter 2 in order to establish linkages between the existing literature and Ghana's planned actions in view of the GEAM.

3.7.3 The GEAM and Governance of Ghana's Oil Sector

A starting point for considering the GEAM as a tool of governance in Ghana's oil sector is to consider it as a means for checks and balances, because institutional design that assures checks and balances is an important requirement for good governance in the natural resource sector (Torvik 2011). In the resources curse literature, the expression "checks and balances" has been used to mean rules for ensuring compliance and accountability. In most instances of its use, "checks and balance" relates to financial management and political governance of the resource sector (cf. Gelb 1988; Lederman and Maloney 2008; Torvik 2011). Collier and Hoeffler (2009), for instance, make an argument for including checks and balances in political governance. They argue that resource-endowed developing countries need democracies with strong checks and balances to avert the misuse of income from resource development.

My reference to the GEAM as a tool for checks and balances, however, relates to the documents ability to serve as a means of enforcing compliance and accountability in the environmental management of Ghana's oil sector, not only for political governance

and for revenue management in the sector. As such, since most of the GEAM's provisions and directives emanate from LI 1652 (which is a regulation), compliance with the GEAMs provisions and directives are enforceable through the LI. Furthermore, since the GEAM is a public document (albeit not available for free), its provisions are important for enforcing accountability in Ghana's oil sector. For instance, local communities and all Ghanaians can apprise themselves of the document's provisions and make demands on government of Ghana and oil companies to account for their actions or inactions in the oil development. The GEAM is not only a tool for implementing checks and balances in the (environmental) governance of Ghana's oil sector. The GEAM has several other roles to play for good governance in Ghana's oil sector as a means of averting the resource curse. The GEAM can be a tool to establish or extend linkages from Ghana's oil sector to other sectors of Ghana's socio-economic life. Furthermore, the GEAM has some capacity, in view of its provisions, to diminish factors that can contribute to the manifestation of the Dutch disease and thus the resource curse. Considering the usefulness of the GEAM, I would recommend that the GEAM be made available to the public for free.

In Chapter 2, I highlighted arguments by Gylfason, Tryggvi, and Gylfi (1999) and Ross (1999) to the effect that resource-endowed countries are bound to encounter the curse due to a lack of linkages between the resource sector and other sectors of the countries' economies. With the GEAM, Ghana has an opportunity to establish linkages between the oil sector and health, economic (livelihood), and education sectors in Ghana. The GEAM makes clear provisions for oil companies and Ghana government (national, regional and local) to collaborate to in order to address the health and safety needs of communities. This is important because the GEAM's provisions serve as a

reminder and as an obligation to oil companies and government of Ghana (especially) to invest income from the oil development in the health sector. If done, this investment could ensure improvements in the health status of Ghanaians due to increased access to healthcare and improvements in overall health system in Ghana. Furthermore, such investment could lead to other spinoffs and increased investments in allied services. In addition, the GEAM could link Ghana's oil sector and the livelihoods of local communities.

Although I would argue that the GEAM's provisions for generating livelihood options for local communities are inadequate, I do believe the provisions can play a role in improving the livelihood options of local communities. In view of oil development, the GEAM directs oil companies to create a point of liaison between local communities (whose fishing activities would be affected by oil production) and oil companies. I believe through such a liaison, local communities would be able to offer suggestions, and receive suggestions and assistance on ways to diversify or improve on their livelihood options. Furthermore, in view of the GEAM's provisions that facilitate activities of oil companies, there would be expanded commerce and business activities in the local communities as more oil companies are encouraged to develop more oil fields. These would be important in addressing local economic issues and improving on the national economy in Ghana.

The GEAM's provisions give opportunity for Ghana to avert the resources curse and improve on governance through improvement in education. In Chapter 2, I pointed out an argument by Gylfason, Tryggvi, and Gylfi (1999) that resource-endowment tends to hinder investment in education which leads to the curse of resources. In Ghana, however, the GEAM has potential to address this problem and avert the resource curse.

If livelihood options must change because oil development has affected fishing, new skills and expertise would be required, which in turn would require education. Moreover, if Ghanaians should be able to participate in the oil sector as the Local Content Act provides (I discuss this Act in Chapter 4), investment in education is necessary. Some education may be for short-term purposes—to retrain and empower people with skills to transition into new livelihood opportunities. Some education would be long-term, as in reforming, improving, and expanding the education system and infrastructure from primary level to tertiary level. Investment in education with a long-term perspective looks at future generations. Thus, in requiring oil companies to liaise with local communities in respect of addressing livelihood issues for the latter, the GEAM provides the opportunity for Ghana government (national, regional, and local) and oil companies to invest in Ghana's educational system with revenue from oil. With improved education, local communities can diversify their livelihood options and economies. Moreover, since improved education would improve the literacy rate in Ghana, and since improved education system is an indicator of good governance (Andrews 2008), Ghana could experience overall good governance that could impact the oil sector, too.

Overall, I would argue that the GEAM has opportunities to diminish the effectiveness of some the factors that can contribute to the resource curse in Ghana. However, the GEAM can be a double-edge sword. It can be a tool for poor governance and inhibit good governance in Ghana's oil sector chiefly due to the document's role in ensuring checks and balances, because the GEAM can be one of the tools that facilitates the creation or reinforcement of the enclave nature of the oil industry in Ghana.

As a means of checks and balances in (environmental) governance of Ghana's oil sector, the GEAM could be subject to abuse and subversion. It is known that income from natural resources can weaken checks and balances (Gelb 1988; Collier and Hoeffler 2009; Torvik 2011; Lederman and Maloney 2008), allowing for "patronage politics" to prevail (Collier and Hoeffler 2009, 305) through bribery and lobbying of political elites (Acemoglu, Robinson, and Torvik 2011). Governance of Ghana's oil sector is not immune from this. Hence, individuals and organizations with financial power can influence implementation of the GEAM in a selective way that inures to their benefit while being detrimental to Ghanaians and local communities.

To avert a subversion of the GEAM would require strong institutions, in terms of existence of other policy documents, organizations, and qualified personnel to serve as checks and balances that complement the GEAM, and protect it from rent seekers (cf. Chapter 4 for discussion of some of these institutions). In addition, since the GEAM has potential to create desirable public outcomes in serving as checks and balances in the oil sector, it requires constant public engagement and scrutiny to be effective. After all, checks and balances are "processes" (Collier and Hoeffler 2009, 299) and should not be seen as events that are relevant in the short term.

The GEAM is a product of Ghana's public policymaking process and in view of its shortcomings, it would be appropriate to discuss some of the challenges of the policymaking process in an attempt to situate the challenges the GEAM's process encountered. Furthermore, these challenges are important to serve as lessons for future policymaking in Ghana and other resource-endowed countries in sub-Sahara Africa. I address this task in the following subsection.

3.8 Challenges and Lessons from Ghana's Policy Process

Ghana's policymaking process is encumbered by a number of challenges that should serve as lessons to Ghana in moving forward, and lessons to other sub-Sahara African countries seeking to follow Ghana's steps. One challenge of the policy process in Ghana's oil sector is the lack of expertise on oil issues in the various public institutions mandated to make policies for the sector and to regulate activities of oil companies in Ghana. For instance, before the 2007 oil discovery, Ghana's EPA did not have a department in charge of oil activities; yet, in the wake of the oil discovery and preparations to commence production in 2010, the EPA was expected to oversee the environmental aspects of oil production in Ghana. This did not only place enormous pressure on the organization's human and technical resources; it also led to inadequate preparations to ensure oil companies were putting in place effective measures for the environmental management of their operations. Inadequate capacities and expertise were important concerns raised by representatives I interviewed. At ISODEC for instance, I was told that due to inadequate expertise and capacity at the EPA. According to the Programs Coordinator at ISODEC:

> …there were lots of gaps in the jubilee EIS [Environmental Impact Statement] and the over reliance on historical data as against trend data. There was lack of simulation, to see how far, for instance, potential spills could spread around the coast. There was also poor work done in terms of the protection of the marine area—the use of single hull tanker as against the double hull tanker recommended by the international maritime organization and a whole lot of other concerns that we had. (Program Coordinator at ISODEC, personal communication 2015)

Inadequacies of Ghana's EPA were reflected in, for instance, Tullow Ghana using outdated data to prepare the Environmental Impact Statement for Phase 1 stage of the Golden Jubilee oil field operations. Moreover, because the EPA was ill prepared,

they did not do simulations to determine potential environmental impacts due to accidents on offshore facilities, and the first floating production storage and offloading (FPSO) vessel was manufactured with a single hull instead of a double hull. The lack of expertise also manifested in an improper institutional structure for managing Ghana's oil sector. According to experts, a proper structure would have entailed, after the discovery of oil in 2007, Ghana would have produced a policy on oil production based on which laws and regulations would be derived. However, that was not the case.

In addition to the paucity of expertise in oil, Ghana's oil policy process was characterized by a lack of transparency in the policymaking exercises. For instance, although there were attempts to make some policy processes transparent through national public consultation forums and workshops, draft documents of the policies were not available to the public prior to the consultation forums. Thus, public comments and contributions to these policies were not informed, and because such forums were organized with inadequate preparations, consultation exercises took long to complete, leading to waste of time (as the multinational corporations were not delaying their preparations to produce the oil). The delays also meant that the costs of the policymaking processes were rising. With the rising cost of the policy process coupled with the paucity of expertise, Ghana has relied on donor aid to manage the oil sector; but such aid is not all free from conditions and pressures.

Associated with the lack of transparency in the policymaking process is the repeal or abandonment of policies formulated in the previous government. At the time of Ghana's oil discovery in 2007, the New Patriotic Party (NPP) was in the government and commenced some of the policymaking in preparations for the production of oil. However, the National Democratic Congress (NDC) won elections and came to power

in 2009. Because the policymaking processes commenced by the NPP were not transparent and were not bi-partisan, the new government (NDC) had challenges continuing with, completing, and implementing the policies started by the previous government (NPP). Thus, there were further delays in the production of policies to guide Ghana's burgeoning oil industry.

Making effective policies that are legally enforceable through Acts of Parliament in Ghana is a lengthy and expensive process. According to the Chief Director of Energy Ministry:

> …you start a whole process and probably it takes one or two years…and the public do not understand especially when you have contentious things… so the public gets impatient. It becomes so expensive particularly when the Ministry is not resource endowed it, [policy process] continues to move slowly because consultation does not come cheap. Apart from this consultation, parliamentarians need an understanding because you have to send the parliamentary committees that are relevant to be taken through the policy or legislation [and its] implications. (Acting Chief Director of Energy Ministry, personal communication 2015)

The lengthy and expensive process of making legally enforceable policies are challenges that need addressing, not only for the oil sector in Ghana, but also for policymaking in Ghana generally.

The work of lobbyists is another challenge facing oil policymaking in Ghana. Whether such policies would be made into laws by the legislature or not, there is a considerable level of lobbying activity going on in oil policymaking in Ghana. Multinational oil companies have the bigger advantage, because they have financial means to obtain and provide information that policymakers need to inform their policy choices. Such means of influence often takes place through workshops and field trips funded by the multinational companies, a practice that could involve conflict of interest issues. Moreover, the oil companies have advantage because Ghana needs the

investments and revenues that are going to accrue due to the activities of the oil operations. Thus, policymakers tend to yield to the interests of oil companies in order to obtain the investments and revenue from oil operations.

Last but not the least, a challenge I would associate with Ghana's policy process is the inability to avoid overlapping functions among state institutions. This challenge is a corollary of inability to ensure inter-sectoral understanding and cooperation in policymaking and implementation of policies and regulations in the nascent oil sector. This is particularly important when it comes to the mandates and functions of state institutions. For instance, with respect to developing human safety and environment (HSE) regulations for Ghana's oil sector, the Petroleum Commission believes it is their mandate, whereas Ghana Maritime Authority believes it has responsibility and has already prepared an HSE regulation. As I was informed by a Program Officer at the Petroleum Commission of Ghana:

> …. the reason why they [Ghana Maritime Authority] are not part of the draft is that, they have also gone and developed their L.I. already. Virtually it is just like a repetition so not until we have finished with the draft before you can now send our copy to them to read through and see where it conflicts with whatever they have. (Program Officer of Petroleum Commission, personal communication 2015)

The oil sector appears to be a lucrative sector in Ghana; hence, several state institutions want to extend their mandates to the sector, and in doing so, they tend to seek little collaboration with other state agencies in the sector. This a major source of the overlapping of functions. My verdict is that the policy terrain is messy with policies, regulations, and organizations being created that further exacerbate the confusion in terms of agencies' ownership and execution of mandates. There is a certain aspect of enclave behavior, even among national policymaking and regulatory organizations, that

is breeding duplication of efforts. The enclave that is beginning to emerge must be broken before it is entrenched in Ghana.

3.9 Chapter Summary

The goal of this chapter is to analyze Ghana's Guidelines for the Environmental Assessments and Management of offshore oil activities (GEAM). This analysis takes place within the framework of Ghana's public policymaking space. In mapping Ghana's policymaking framework, I find that Ghana's 1992 Constitution provides the bedrock for public policymaking in Ghana, and the Constitution places policymaking responsibility on the Executive branch of governance. For instance, Article 34(2) of Ghana's 1992 Constitution requires the President of Ghana to inform Ghana's Parliament about ways the government intends to fulfill Ghana's Direct Principles of State Policy. Additionally, Article 67 of the Constitution requires the President of Ghana to deliver the state of the nation's message to Parliament. These are constitutional requirements for the President of Ghana to make public policy pronouncements.

Furthermore, Article 76(2) of Ghana's 1992 Constitution is an unequivocal dictate to the Executive to determine overall government policy. While the constitution requires the President to make policies, the Constitution places a constraint on Ghana's Parliament for policymaking. Per Article 108 of the Constitution, the Parliament of Ghana cannot make any policy that places a financial burden on the state, and although Ghana's Parliament, in some cases may debate government policy, e.g., budget statements of the government, Parliament is incapable of formulating public policy in Ghana.

The President of Ghana, the Cabinet, and the Ministers of state are assisted with their policymaking duties by the career civil servants of Ghana's Civil Service. Ministries are composed of Departments and Agencies, such as the Environmental Protection Agency, tasked to perform specific functions in administration. The Presidency, Ministries, Departments, and Agencies constitute state actors in Ghana's policymaking. It used to be the case that Ghana's public policymaking space was elitist, composed of state actors and experts from donor countries and agencies. However, the public policymaking space in Ghana has broadened to include others, such as civil society organizations, think tanks, and the general public. Thus, the public policymaking space in Ghana is occupied by state actors (Ministries, Departments, and Agencies), civil society organizations, private sector (industry), academic (research institutions), think tanks, and "relevant" communities.

As an arm of the Executive—an agency under the Ministry of Environment, Science, Technology, and Innovation—Ghana's EPA was established by Act 490 with the mandate to advise the Minister of State on environmental policy and to formulate standards and guidelines to avert pollution. The GEAM is a product of the EPA, and the document has provisions to address distributive environmental justice in Ghana's oil sector, although the document falls short with respect to recognition justice. With respect to procedural justice, the document would have been better with more provisions.

I find that the GEAM's social process (interactions of stakeholders during policymaking) was poor, because of limited participation of stakeholders (including local communities). But, inadequacy in the social process of policymaking is not limited only to the GEAM's policy process. Inadequacy of the social process is endemic in public

policymaking in Ghana. Yes, the policymaking space is broadening in Ghana, but it is doing so at a slow pace and the impacts of state directives to broaden participation is yet to be realized.

A number of challenges encumber Ghana's policymaking process, challenges that include inadequate Ghanaian-based expertise in oil, lack of transparency of the policymaking process, weak attachment of succeeding governments to policies formulated by the preceding governments, and activities of lobbyist who project the interests of multinational corporations over local community interest in Ghana's policymaking space. In addition, I noted that Ghana's policymaking process was challenged by the jostling behavior of public institutions wanting to participate in the oil sector (because the sector is perceived as lucrative) even when such institutions' mandates and functions were not related to the sector.

In spite of the challenges of Ghana's policymaking process, the GEAM was made with the view that it would be a tool to provide checks and balances in Ghana's oil sector. As a tool for enforcing checks and balances (at least to ensure environmental justice) in Ghana's oil sector, the GEAM itself requires an institutional design that assures checks and balances in order for good governance. In Chapter 4, I will examine the overall institutional framework for managing Ghana's oil sector and the environment.

CHAPTER 4

INSTITUTIONS MANAGING GHANA'S OIL AND GAS SECTOR AND THE ENVIRONMENT

4.1 Introduction

Environmental impacts are "intrinsic" to oil activities (Sakyi, Efavi, and Asare 2012, 62), and have been detrimental to the environment and human livelihoods (Glazebrook and Story 2012; Glazebrook and Kola-olusanya 2011). Some impacts may reach areas beyond the immediate surroundings of particular oil activities. During preparations for Phase 1 of the Jubilee Oil Field development, environmental and socio-economic impacts were anticipated following the impact assessments carried out by the Jubilee Field operators (Tullow Ghana Limited 2009). Thus, concern about impacts of oil activities in Ghana are unanimously acknowledged. For this reason, Ghana ought to have a functioning institutional framework to manage the exploration and development of oil resources in Ghana.

Since a strong institutional design is imperative for good governance of the natural resources sector (Torvik 2011), Ghana must have an institutional framework that ensures good governance for the oil sector in order to avert the resource curse. I argued in Chapter 3 that the Guidelines on Environmental Assessment and Management of Ghana's Offshore Oil and Gas (GEAM) is an important tool that serves purposes of checks and balances in Ghana's oil sector and recommended that either it is put through the legislative process to become fully enforceable or aspects of its provisions that are unenforceable be extracted and made into law. However, given its present form (which gives it a mix of hard and soft policy effect, cf. Chapter 3), there is need for a strong institutional framework to back the GEAM to be effective in performing

the roles of checks and balances. Moreover, I would argue that even if the GEAM were fully enforceable, it would nonetheless require a strong institutional framework to be effective. Hence, the goal of this chapter is to discuss a framework for managing oil activities in Ghana with emphasis on environmental justice ramifications, including socio-economic, of the oil sector. The discussion is on an existing framework that involves active and non-active institutions. The purpose of this discussion is to analyze the extent to which elements of the framework improve governance in Ghana's oil sector. In addition, I analyze the extent to which the elements are capable of identifying and addressing environmental justice issues. Furthermore, seeking to understand the institutional framework is important in obtaining clarity and broader understanding of the, legal, policy, and administrative nuances at play in Ghana's efforts to avert the curse of natural resource wealth.

In what follows, I do not claim that the analysis would be exhaustive in terms of my ability to cover every element of the framework. Research limitations and the fact that the framework comprises a complex system of elements that require much time and space than this dissertation can accommodate necessitate selectivity of the elements for discussion. Hence, I cover key legislative and policy elements of the framework (documents), on the one hand, and organizational structures (administrative elements) of the framework (infrastructure), on the other hand. First, I discuss the documents.

4.2 Legislative and Policy Documents

Several legislative and policy elements comprise the framework for managing Ghana's environment, environmental impact of oil activities, and oil resources in Ghana.

These include international conventions Ghana has ratified and national laws and policies Ghana has formulated. In addition, there are several legal and policy documents not specifically on oil or the environment *per se*; but on other sectors, for instance fisheries and national security, that indirectly affect oil exploration and development. In the following, I discuss some of the legal and policy documents with respect to their roles in the management of Ghana's oil resources, and in ensuring the protection of Ghana's environment. I begin this discussion with some international documents.

4.2.1 International Documents

Ghana is signatory to a number of international environmental conventions and policy frameworks that have direct bearing on oil activities and the environment. These conventions have affected not just oil activities, but also Ghana's national laws and policies. They have served either as templates or as principles for policymaking. Moreover, where the international documents have not been adapted into Ghana's policies, they are nonetheless significant because offshore oil activities are substantially guided by regional and international laws (Bonsu 2011).

The importance of international documents in Ghana's oil sector is illustrated by the number of them Tullow Ghana Limited relied on in producing the environmental impact statement (EIS) for the first phase of the Jubilee Oil Field development. Whereas Tullow adduced only one national document—the Environmental Regulation (LI 652)—the company adduced several international documents. These include International Maritime Organization (IMO) Conventions—the International Convention for the Prevention of Marine Pollution from Ships, 1973, modified 1978 (MARPOL 73/78),

United Nations Convention on the Laws of the Sea (UNCLOS), and some “good practice standards and guidelines” (Tullow Ghana Limited 2009, x). In addition, Tullow relied on the World Bank’s social and environmental performance standards to prepare the EIS for Jubilee operations.

Besides these international documents that formed the bases of the first environmental impact statement for managing Ghana’s offshore oil activities, there are other international Conventions to which Ghana is a signatory These include the International Convention of Oil Preparedness, Response and Co-operation (1990); the Convention on Biological diversity(1994); the United Nations Framework Convention on Climate Change (1995) and subsequent Kyoto Protocol (2003) and Paris Agreement (2015); the International Covenant on Economic, Social and Cultural Rights (1966, signed by Ghana in 2000); the Stockholm Convention on Persistent Organic Pollutants (2003); and the Revised Africa Convention on the Conservation of Nature and Natural Resources (2007). However, my discussion does not cover these because they do not have direct impact in the lived experience of Ghanaians with respect to environmental justice; that is, this dissertation is focused on how individuals and communities are and should be protected from direct environmental harms in consequence of Ghana’s oil development. In short, this study is about “where we live, work and play,” (Novotny 2000, 3) so only international documents with direct impacts on Ghanaians are discussed. These include Conventions protecting waters that have consequences for fishing livelihoods directly impacted by offshore drilling, and World Bank social and environmental standards in countries they finance.

As mentioned above, I would be selective about which document to discuss. My discussion will focus on international documents cited in the GEAM and Tullow’s EIS for

the Jubilee Field development. The documents in question include MARPOL 73/78, UNCLOS, and World Bank's social and environmental performance standards. I focus on these because, in citing these international documents in the GEAM, Ghana demonstrated the immediate relevance of these documents for the oil sector. Moreover, when Tullow adduced these international documents in the environmental impact statement approved by the EPA, Tullow had set a precedence in Ghana, and since there was no precedence to guide Tullow and the oil industry in Ghana generally, the acceptance of Tullow's approach had become a *de facto* norm in Ghana's oil industry. Whether these documents are enough to complement the GEAM as checks and balances, it remains to be determined. I proceed in a chronological order to discuss the documents, from the oldest to the latest, as follows.

4.2.1.1 International Convention for the Prevention of Marine Pollution

In 1973, the International Convention for the Prevention of Marine Pollution from Ships (MARPOL) was adopted; however, before the convention could come into effect, a series of tanker accidents in 1976-1977 led to the adoption of the MARPOL Protocol in 1978. The 1978 Protocol then assimilated the 1973 convention and hence, the acronym MARPOL 73/78. In spite of this, MARPOL 73/78 did not kick in until in 1983. MARPOL serves to deter ships from polluting marine environments (International Maritime Organisation 2017). Tullow Ghana alluded to the MARPOL 73/78 because, first, the Jubilee Field is an offshore operation and MARPOL 73/78 seeks to prevent pollution of the ocean. Second, Tullow finds MARPOL 73/78 relevant for the purposes of preparing its environmental impact statement for the Jubilee Field operations because oil produced from the Jubilee Field is stored in a floating production storage

and offloading (FPSO) vessel. An FPSO is a sitting vessel that stores unprocessed crude oil, processes it, stores the processed crude oil and gas, and transfers the processed oil and gas to tanker vessels for onward transportation and sale Thus, since the FPSO is a vessel, it must to be covered by MARPOL 73/78, as the convention governs vessels.

MARPOL 73/78 has six annexes that contain specific provisions for the deterrence of pollution from vessels. The first, Annex I, “Regulations for the Prevention of Pollution by Oil,” came into force in 1983 and was amended in 1992. This Annex governs prevention of oil pollution from accidents and normal operations. Annex II, titled “Regulations for the Control of Pollution by Noxious Liquid Substances in Bulk,” establishes the criteria for discharging, and details for controlling pollution by noxious substances. Like Annex I, Annex II came into force in 1983. Annex III, “Prevention of Pollution by Harmful Substances Carried by Sea in Packaged Form,” has general provisions for the formulation of detailed standards regarding packaging, marking, labelling, stowage, and notifications. This Annex came into force in 1992. Annex IV came into force in 2003 and is entitled “Prevention of Pollution by Sewage from Ships.” Annex IV has provisions that serve to deter and control pollution of marine environment by sewage. Annex V came into force in 1988 and is called “Prevention of Pollution by Garbage from Ships.” Annex V contains provisions on the types of garbage, means of garbage disposal, and ban on disposal of plastic garbage into the ocean. Annex VI—the latest of all the annexes of MARPOL 73/78—came into force in 2005 and is titled “Prevention of Air Pollution from Ships.” This Annex establishes limits on Sulphur oxide and nitrogen oxide emissions from ships, and it outlaws the intentional release of ozone depleting substances. In 2011, a chapter was adopted in Annex VI that provides for

ships to mandatorily adopt energy efficient means to reduce greenhouse emissions (International Maritime Organisation 2017).

My examination of MARPOL 73/78 and the six annexes reveals there is ample provisions for checks and balances that seek to avert and/or minimize marine pollution. This directly addresses distributive aspects of environmental justice. The purpose of MARPOL and the annexes is to protect and maintain the ecological integrity of marine environments from destruction by pollution from ocean vessels. It is a good governance tool for the environment and ocean transportation.

Further, I would argue that MARPOL 73/78 and the six annexes readily lend themselves to an environmental ethics approach to maintaining and improving on the well-being of the world's oceans directly, and well-being of humans indirectly. I believe this environmental ethics approach is a recognition, and an attempt, to extend justice to the various lifeforms that exists in the oceans. Hence, in the end, I perceive MARPOL 73/78 and the annexes as capable of been used to achieve environmental justice purposes, although not strictly for anthropocentric purposes, as is often the case when environmental justice is advocated.

4.2.1.2 United Nations Convention on the Laws of the Sea

For the purposes of this project, I consider the first international regulation targeting the world's oceans to be the United Nations Convention on the Laws of the Sea (UNCLOS). Although UNCLOS was passed in 1982 and came into force in 1994, the law of the sea has existed for centuries. What is new in the modern law of the sea (UNCLOS) is the addition of the ecological aspect. UNCLOS follows from recognition that the world's oceans were not bottomless pits for dumping garbage and refuse, and

that the world's oceans and the oceans' contents needed international regulations for their protection, management, and development. Furthermore, need for the UNCLOS arose because "political and economic concerns" led countries to extend their national claims to offshore resources (Kupecek 1995, 1).

In 1958, a United Nations Conference on the Law of the Seas codified already existing laws of the sea that were customary into four separate conventions leading to the production of UNCLOS I (Schiffman 2010). The conventions include Convention on the Territorial Sea and the Contiguous Zone, Convention on the High Seas, Convention on Fishing and Conservation of the Living Resources of the High Seas, and Convention on the Continental Shelf. The United Nations organized a second conference in 1960, where UNCLOS II was born; however, both UNCLOS I and II were failures. Parties attending the conferences failed to reach agreement on the dimensions of the territorial sea. Thus, in 1973, negotiations began for UNCLOS III, which took nine years to complete in 1982 and led to the United Nations Convention on the Law of the Sea (UNCLOS) (Schiffman 2010). The 1982 document did not have the participation of some developed countries, notably the United States of America. Thus, it was subsequently modified and adopted to become a binding international convention, and came into force in 1994 as UNCLOS (Kupecek 1995).

UNCLOS is organized into 16 major parts with nine annexes. The relevant parts for the present assignment include Section 2 of Part 7, Sections 4 to 6 of Part 12, and Annex 3. These portions of UNCLOS in one way or the other deal with offshore resource prospecting and extraction, control of environmental pollution, and monitoring and assessing the oceans' environment. Specifically, Part 7, Section 2 of UNCLOS deals with the conservation and management of the living resources of the high seas.

Part 12, Section 4 has provisions for monitoring and environmental assessment; Section 5 deals with international rules and national legislation to prevent, reduce and control pollution of the marine environment; and Section 6 relates to enforcement of the above provisions. Annex III of UNCLOS sets in place basic conditions for prospecting, exploring, and exploiting offshore resources (United Nations 1994).

For the purposes of this dissertation, UNCLOS is a step further than MARPOL in terms of fostering good governance of the oil sector in Ghana. The provisions of UNCLOS directly govern natural resources exploration and development in sea (which MARPOL does not), and the Convention has provisions explicitly expressed for the protection of the marine environment, as does MARPOL. Furthermore, UNCLOS makes general provisions for member countries to enact local legislation and, hence, serving as template for such local policy or legislation in member countries. MARPOL can be an effective tool as checks, balances for governing ocean transportation and pollution while UNCLOS can be the checks and balances tool for natural resources exploration and development in the oceans.

These two documents would appear to have no effect on addressing environmental justice in Ghana since the environmental medium for their provisions is the ocean. However, there are key provisions of the GEAM (discussed in Chapter 3) that directly map onto provisions in MARPOL and UNCLOS and this suggests that the GEAM adopted aspects of both documents. For instance, provisions on pollution prevention at sea, air emissions, and management of waste streams. These are provisions that address distributive justice, and as already argued in Chapter 3 (section 3.7.2), the GEAM can be important checks and balances document that ensures some distributive justice in Ghana's oil sector. This is achievable because the GEAM aims to

“mainstream environment, health, safety, and community issues into the offshore oil and gas oil operations” in Ghana (Environmental Protection Agency 2011, 6).

4.2.1.3 World Bank’s Social and Environmental Performance Standards

There is no reference to the World Bank’s Social and Environmental Performance Standards in the GEAM document. However, they were cited in Tullow’s EIS, and aspects of community relations in the GEAM mirror the Standards, so I conclude that the Standards had some influence. Moreover, the Standards are important for oil development in Ghana because oil companies are required to adhere to these Standards if they approach the World Bank’s International Finance Corporation (IFC) for financing. Ghana already borrows extensively from the World Bank, and is therefore required to adhere to these Standards in funded projects.

The Standards are useful checks and balances for managing social and environmental risks and impacts of oil development. There are eight Performance Standards that must be applied throughout the life cycle of such projects (International Finance Corporation 2006). Performance Standard 1 deals with social environmental assessment and management systems. The objectives of Performance Standard 1 include identifying and assessing social and environmental impacts of projects; avoiding, minimizing, or mitigating adverse impacts of project activities on workers, communities, and the environment; “appropriately” engaging communities that are affected “on issues that could potentially affect them”; and making use of management systems that improve social and environment performance of companies (International Finance Corporation 2006, 1).

The objectives of Standard 1 indicate the Standard has provisions that can serve to meet the needs of distributive, procedural, and possibly recognition justice. I say possibly because it depends on how the Standard is eventually implemented. Standard 1 requires companies to identify and assess social and environmental impacts of projects; avoid, minimize, or mitigate adverse impacts of project activities on workers, communities, and the environment. It further requires companies to "appropriately" engage communities that are affected "on issues that could potentially affect them." Thus, I would argue that in the process of talking to people to see how a project might affect them in order to minimize impacts, companies must ensure there is deliberate effort to inculcate the socio-cultural and ecological values of local communities in the final management plan. Meanwhile, I am concerned this would be an uphill challenge for companies or their consultants to overcome, because even where participation of local communities has been mandatory for development projects in Ghana, such participation has not always been broad and effective, especially for rural and vulnerable communities. Participation does not necessarily mean the values of local communities will be considered in final management plans.

Performance Standards 2 and 3 deal with labor and working conditions of projects, and pollution prevention and abatement respectively. The objectives of Performance Standard 2 include ensuring there is worker-management relationship in IFC financed projects; promoting fair treatment and equal opportunity of workers; addressing child labor and forced labor for the purposes of protecting the workforce; and promoting and protecting the safe and healthy working conditions of workers. The objectives of Performance Standard 3 include: preventing adverse impacts of projects on human health and the environment; and to reduce emissions of "emissions that

contribute to climate change" (greenhouse gases) (International Finance Corporation 2006, 7, 11). As with Performance Standard 1, the objectives of Standard 2 and, especially, Standard 3 have distributive and procedural elements. There is no indication of need to address recognition justice, given the objectives of Standards 2 and 3.

Performance Standards 4, 5, and 6 respectively deal with community health, safety, and security; land acquisition and voluntary resettlement; and biodiversity conservation and sustainable natural resources management. For Performance Standard 4, the objectives are: addressing risks, impacts, and safety of local communities "during the project life cycle"; and safeguarding project personnel and property without jeopardizing the safety and security of local communities (International Finance Corporation 2006, 15). With respect to Performance Standard 5, the objectives include addressing involuntary resettlement; addressing adverse social impacts due to land acquisition or impacts of restrictions on access to land; addressing issues on livelihoods and living standards of displaced people; and improving conditions of displaced people by providing housing at places of resettlement. The objectives of Performance Standard 6 include protecting and conserving biodiversity; and integrating conservation needs with development needs to promote sustainable management and extraction of natural resources (International Finance Corporation, 2006). In terms of the extent to which Standards 4, 5, and 6 can serve environmental justice purposes, I believe they address distributive justice, with Standard 5 very relevant to address recognition justice issues. Furthermore, Standards 4, 5, and 6 can address procedural justice.

The last two Standards—7 and 8—address indigenous peoples and cultural heritage respectively. Performance Standard 7 aims to achieve five objectives. The first

objective is ensuring that project developments respect the dignity, rights, aspirations, cultures, natural resources, and livelihood sources of indigenous peoples. The other objectives include addressing negative impacts of projects on indigenous peoples “in a culturally appropriate manner”; building relationships between projects and indigenous peoples throughout the life cycle of the project; fostering “good faith negotiation” and quality participation of indigenous peoples, especially when projects are sited on traditional lands of indigenous people; and recognizing and protecting the cultures, knowledge and practices of indigenous peoples (International Finance Corporation 2006, 28). In addition to Standard 5, which specifically makes provisions for recognition justice, the objectives of Standards 7 and 8 explicitly address recognition justice issues and some distributive justice issues as well.

From the foregoing, concerning the Performance Standards, it is clear the IFC of the World Bank has concerns about addressing environmental justice in development projects in general. All eight Standards together combine to provide opportunities for addressing all the three aspects of environmental justice—distributive, procedural, and recognition justice. Since there is evidence some aspects of the GEAM mirrors the Standards in some way and Tullow cited the Standards in its EIS, I have belief tenets of the Standards would filter into the overall framework for managing Ghana’s oil sector. However, that should not be left to chance; it requires deliberate policy articulation and action.

Notwithstanding the fact that the Standards address the trivalent environmental justice, there is need for some review. For instance, the IFC wants the Standards to be applicable within the life cycle of projects. Whereas there may be some form of justification for that, I believe the Standards ought to require project developers to

establish plans for local communities after projects life cycles elapse in the form of post decommissioning plans. This is because when development projects end, local communities (whether resettled or not) continue to remain, and continue to feel impacts of activities from the finished projects. Thus, it is important for projects to plan with local communities for strategies that ensure the sustainability and resilience of such communities.

In addition, the IFC, in the Standards, especially in 7 and 8, specifically refers to "Indigenous Peoples," instead of local communities. The IFC defines "Indigenous Peoples" as "social groups with identities that are distinct from dominant groups in national societies" (International Finance Corporation 2007, 143). I find this worrying, because reference to indigenous peoples can serve as a basis for discriminating against non-indigenous people of a community who may have been settlers and therefore living in the communities. It is true that indigenous peoples can be among the vulnerable in society, and the IFC's intends is to protect such people. However, I would argue that the provisions should rather focus on for identifying and addressing peculiar challenges of vulnerable groups in local communities. If this were the case, indigenous peoples that are vulnerable would be covered and plans made to address their needs.

In short, my examination of international documents cited by Tullow in its EIS and in the GEAM shows there are enough provisions to serve as checks and balances to ensure good governance of Ghana's oil sector. MARPOL 73/78, UNCLOS, and the World Bank's Social and Environmental Performance Standards are documents I consider important international documents of an overarching institutional framework for managing Ghana's oil sector and the environment. The documents have enough provisions to serve as checks and balances with respect to ocean transportation,

environmental pollution of the oceans and marine ecosystem health, marine resources exploration. Most importantly, I believe the documents contain provisions that Ghana should use to address environmental justice in the oil sector.

Moreover, the checks and balances of the international documents buttresses the GEAM so that it can be effective in ensuring good governance of Ghana's oil sector. However, in order for that to be complete, the key tenets of the international documents that are relevant for Ghana have to be adapted and made into national laws and regulations in Ghana. This is important, in that it allows for strict enforcement of the provisions. In what follows, I discuss some the national legislative and policy documents.

4.2.2 National Documents

This discussion builds on my analysis of GEAM in Chapter 3. Here I discuss the regulatory context with focus on Ghana's Environmental Assessment Regulation of 1999 (Legislative Instrument 1652); the Petroleum Revenue Management Act of 2011 (Act 815); the Petroleum (Local Content and Local Participation) Regulations of 2013 (Legislative Instrument 2204); the Petroleum (Exploration and Production) Act of 2016 (Act 919); and the National Environment and Energy Policies.

4.2.2.1 Environmental Assessment Regulations

Of all the local documents governing oil activities in Ghana, the GEAM and the Environmental Assessment Regulations of 1999 (Legislative Instrument 1652) directly relate to environmental management. LI 1652 is Ghana's national regulation that requires development projects to register with the Environmental Protection Agency

(EPA). Based on LI 1652, proponents of oil projects in Ghana are required to register with the EPA following from which the EPA issues environmental permits before the projects' activities can commence (Republic of Ghana 1999).

LI 1652 mandates that before the EPA issues an environmental permit for any oil project, the company responsible for operating the project must prepare and submit an environmental impact statement (EIS) to the EPA to enable the EPA assess the extent of likely adverse environmental impact (Republic of Ghana 1999). On this score, LI 1652 provides a template to establish terms of reference for preparing the EIS. Among others, the EIS must seek to address issues that include the nature of potential impacts of proposed activities in terms of environmental, social, economic, and cultural aspects; potential effects on human health; proposals to mitigate any adverse impacts; consultations with communities likely to be impacted by proposed project; and a tentative plan for environmental management.

Furthermore, LI 1652 requires a project's EIS to provide means of addressing direct and indirect effects of the project's activities at pre-construction, construction, operation of venture, decommissioning, and after decommissioning stages of projects (Republic of Ghana 1999). This requirement by the LI 1652 is important, because it address a shortfall of the World Bank's Standards that require companies to apply provisions of the Standards in the life-cycle of projects, but LI 1652 goes beyond project life-cycles with provisions for post decommissioning stages.

In preparing an EIS, responsible companies or projects' proponents are required to give notice to relevant public institutions and local government bodies in Ghana. The companies must advertise their proposed projects and locations in national and local print media, and exhibit the scoping report of the EIS to the public for inspection. The

scoping report is a report that precedes the EIS report. In the scoping report, companies responsible for submitting an EIS to the EPA establish the “scope or extent of the environmental impact assessment to be carried out by the applicant” (Republic of Ghana 1999, 4). Thus, the scoping report is the terms of reference for preparing the EIS of a particular project. These requirements by LI 1652 are attempts to engender public participation in the EIS process, and complementing these is a public hearing exercise that the EPA carries out. If this process were open to community participation, it would have been an opportunity for people to identify themselves as affected or potentially affected by a proposed project; the LI does not require public engagement at this stage.

By LI 1652 requirements, upon receipt of a company’s application (which includes the EIS) for an environmental permit, Ghana’s EPA must hold public hearings under certain conditions. Conditions that include: “adverse public reaction” to the proposed project to be carried out; if the project would restrict and or prevent people’s access to their land (spaces); and when the EPA has determined that a proposed project would have “extensive and far reaching” environmental consequences (Republic of Ghana 1999, 7). When a public hearing becomes necessary, the EPA must constitute a panel to hear and consider submissions made by individuals and organizations in respect of their misgivings about a proposed project.

In considering the LI 1652, I would conclude that the regulations contain checks and balances provisions for the environmental governance of Ghana’s oil sector, and most significantly, these checks and balances are strictly enforceable in Ghana If a permit is denied for a proposed project, proponents may resubmit a new application with remedies to the denied application or abandon the project altogether, because the LI is law and enforceable. Thus, the LI gives some legal backing to the GEAM and makes

the GEAM an enforceable document in respect of those provisions that have their foundation in the LI. I would argue that in the overall institutional framework for managing Ghana's oil sector, the LI 1652 is the most important element of the framework, because it makes the GEAM an effective checks and balances tool that is key to good governance of Ghana's oil industry. It would, therefore, be appropriate to amend the LI to rectify some of the concerns I have raised about its shortcomings.

On the LI 1652, I would also conclude the regulation provides for addressing environmental justice issues in respect of distributive justice principally, and it carries an environmental ethics perspective. In respect of the distributive justice issues, LI 1652 specifically requires companies proposing to embark on projects to, for instance, ensure that the health, settlements, and livelihoods of people in the local communities are not adversely impacted. Where there is anticipation of any adverse impact, companies must propose plans to avoid or mitigate such adverse impacts, per LI 1652 requirements. LI 1652 contains provisions that seek to protect the environment (not necessarily the human habited environment) from proposed projects development, an indication of the LI's intents on an environmental ethic approach to development.

From my analyses of the LI 1652, I find that the Regulations have some provisions that could address procedural justice. However, I find these provisions inadequate and restrictive. For instance, by requiring companies to advertise proposed projects and scoping reports for public scrutiny in the print media, the LI has not achieved public access to information, and therefore not public participation in the determination of the sort of project activities that can be sited in communities. Ghana has a high illiteracy rate that cannot access the medium in which the LI requires companies to publicize their proposed activities. Exacerbating this barrier is the fact that

newspaper circulation in Ghana is very poor. Thus, by requiring companies to advertise in the print media, LI 1652 has restricted the extent to which the public can be aware and thus mobilize to participate in a process that would be determining, among others, the quality of their spaces, access to their spaces, disruptions in their social and cultural values, and impacts on their livelihoods. I would suggest that since there is greater radio and televisions broadcasting in Ghana (Walsh 2017), coupled with the fact that many of the broadcasts are in local languages, the announcements should include broadcasts. To facilitate this, broadcast networks should consider such announcements as their public duty and carry the announcements at no fee or at a significantly reduced fee.

Additionally, the LI 1652's provisions for procedural justice are inadequate because of the conditions set for undertaking public hearings. The LI does not provide a definition for and a measure of "adverse public reaction," which is a trigger for organizing public hearings. Furthermore, in respect to the public hearing, the LI's requirement for public participation in the assessment process is a late call since the hearing is about the EIS that has been prepared and submitted to the EPA. I would argue that LI 1652 should oblige companies to engage local communities and the public prior to the preparation of the EIS, during the preparation of the EIS, and after submission to the EPA so to broaden opportunities for achieving procedural justice.

As far as recognition justice is concerned, LI 1652 makes some provisions that at face value would appear to be addressing recognition justice. However, upon further reflection, it becomes clear that these provisions are in effect addressing distributive justice. For instance, the LI 1652 requires companies to propose means for addressing changes in social and cultural patterns arising from proposed project activities (Republic of Ghana 1999, 6). This provision does not necessarily represent a recognition of the

values on the local communities as being capable of contributing to the environmental and socio-economic management of proposed project activities. This provision of the LI 1652 rather objectifies the values (social and culture behavior) of local communities for the purpose of their alienation from project activities. This alienation begins when local people are perceived as rural and not possessing any Western-styled knowledge and expertise that can contribute to the management of their environment.

4.2.2.2 Petroleum Revenue Management Act

Apart from the LI 1652, there is a number of other national legislative documents governing oil development that have provisions with potential to address environmental justice. Moreover, these legislations were formulated to aid Ghana avoid the resources curse through good governance of Ghana's oil sector. The Petroleum Revenue Management Act, 2011 (Act 815) is one of such legislative documents. Act 815 establishes the general directives for collecting, disbursing, and managing income from oil production in a "responsible, transparent, accountable, and sustainable manner" for the benefit of all Ghanaians (Republic of Ghana 2011b, 4).

In pursuit of its objectives, Act 815 provides for government of Ghana to establish a Petroleum Holding Fund, a public fund in which all petroleum revenue accruing to Ghana is kept and disbursed from. Disbursement from the Holding Fund can be made for three reasons: one reason is for disbursement into two other Funds, namely, Ghana Stabilization Fund and Ghana Heritage Fund (which together are called Ghana Petroleum Funds). The Stabilization Fund's main purpose is to cushion Ghana's economy against shocks in periods of unpredicted lows in petroleum revenue. The Heritage Fund is an endowment fund to cater to the needs of future generations. The

second reason for which disbursement can be made from the Holding Fund is for the purposes of supporting Ghana's national budget; and the third reason, for "exceptional deductions" (Republic of Ghana 2011b, 10). I would suggest that such exceptional deductions should be made also for cleanups and ecological restoration in events of accidents.

With respect to management and accountability issues, the Bank of Ghana has responsibility for daily management of the Funds. Such management is within a management framework provided by a Minister of state who has overall responsibility for the Funds, and the Minister is assisted by an Investment Advisory Committee to monitor the performance and management of the Funds. Act 815 requires the Bank of Ghana to submit semi-annual reports covering the Funds to Ghana's Parliament and publish same in national newspapers and on the internet. Furthermore, and in pursuit of transparency, Act 815 establishes a Public Interest and Accountability Committee (PIAC) to hold consultations for best practices on the management and disbursement of petroleum revenue in Ghana. The PIAC has a membership of seven persons, who, although they represent a cross-section of the Ghanaian public, are appointed by the Minister. Hence, transparency of oil revenue distribution and oversight is possible, albeit with too much power in the hands of the Executive.

Act 815 is another important element of the institutional framework for managing Ghana's oil sector given its checks and balances provisions. The Act is particularly relevant for good governance in respect of managing oil revenue accruing to Ghana, unlike LI 1652 that is relevant for environmental governance. The Act's provisions are checks and balances that direct the allocations of revenue Ghana receives from oil, and although the Act does not explicitly serve to buttress the GEAM, its significance in the

overall institutional framework for managing Ghana's oil industry is great. The Act is an important piece of the framework that not only complements the GEAM in covering revenue management, but also can be extended in some cases to cater for provisions in the GEAM that seek to address environmental justice that would require government funding for specific development projects to execute in local communities.

However, although the main purpose of Act 815 is to ensure (fair) distribution of income from Ghana's oil resources—distributive justice—as a means to avoid the resource curse, the Act does not address the distribution of adverse externalities from oil activities. Perhaps, this responsibility is deemed not relevant in the Act, and is thus seen as something to be left for environmental regulations (e.g., LI 1652) to address. I would argue that since Act 815 established the Heritage Fund to address needs of future generations, there is some admission of need to address environmental justice issues, therefore, Act 815 ought to establish a fund to deal with the adverse environmental externalities of oil in local communities along the lines of the US Environmental Defense Fund. Alternatively, the Heritage Fund could be re-designated to cover such concerns in local communities around oil development in Ghana.

Another shortcoming of Act 815 is that the Act places too much power in the hands of the executive branch of governance in Ghana to determine the management and accountability of the Petroleum Funds established by the Act. For instance, although the Bank of Ghana manages the various Funds, the Minister of State determines the framework under which the Bank manages the funds. The Minister of State is also responsible for appointing members of the Public Interest and Accountability Committee, a conflict of interest situation because the Minister oversees management as well. Moreover, there is cause for concern because too much power is

concentrated in the office of the Minister of State who is appointed by the President of Ghana. This represents a narrow and structure for managing Ghana's petroleum revenue, and this structure is susceptible to rent seeking behavior, that is, behavior that seeks economic returns from oil by unduly manipulating the structure, through bribery for instance. Furthermore, to achieve transparency, Act 815 requires the Bank of Ghana to publish reports in the print media and on the internet. This requirement further reinforces the elitist structure put in place, because, with a high illiteracy rate and poor access to the internet, not many Ghanaians would have access to the semi-annual reports being published for scrutiny.

4.2.2.3 Local Content and Local Participation Regulations

Another national legislation formulated to govern Ghana's oil sector with the intent to foster distributive justice in Ghana is the Petroleum (Local Content and Local Participation) Regulations, 2013 (LI 2204) The main purpose of LI 2204 is to facilitate the participation Ghanaians, and the use of local inputs, in the oil industry as a means to redistribute and retain the economic benefits accruing from oil and gas activities in Ghana. The key provision of LI 2204 is that local content must be a component of petroleum activities in Ghana. In this context, LI 2204 defines "local content" as "the quantum or percentage of locally produced materials, personnel, financing, goods and services rendered in the petroleum industry value chain and which can be measured in monetary terms"(Republic of Ghana 2013, 27).

Like Act 815, LI 2204 aims to help Ghana avoid the curse of oil resources, albeit, by different means, means that include ensuring that commercial activities relating to oil involve Ghanaian personnel, Ghanaian produce, and Ghanaian financial investments.

For the objectives of this dissertation, provisions of LI 2204 of relevance address issues relating to “local content plan,” “employment and training sub-plan and succession plan,” and ‘program for research and research development sub-plan.” It is important to note that most of the provisions under these areas do portend to address distributive justice issues and they represent checks and balances that ensure proper governance of Ghana’s oil sector.

Preceding the specific provisions of LI 2204 are a set of provisions labeled “general provisions” (Republic of Ghana 2013, 4). Key tenets of the general provisions relevant for this assignment includes giving indigenous Ghanaian companies preference in granting petroleum agreements; requirement for a minimum of five percent indigenous Ghanaian equity in petroleum agreements; and requirement for non-indigenous companies intending to supply goods to the oil sector in Ghana to have at least ten percent indigenous Ghanaian ownership (Republic of Ghana 2013, 5).

In respect to the specific provisions of LI 2204, under local content plan section, the LI requires all firms to submit local content plans to the Petroleum Commission of Ghana for approval prior to commencing project activities. The local content plan must provide detail descriptions of ways to ensure that first preference is given to goods manufactured, and services rendered in Ghana. In addition, the plan must describe ways that ensure qualified Ghanaians are given first preference in recruitment; and provide detail descriptions of ways firms intend to train Ghanaians on the job. Furthermore, the local content plan must provide details of ways firms are guaranteeing the use of goods and services in Ghana.

To complement the local content plan, LI 2204 requires companies to submit sub-plans: employment, training, and succession sub-plan, and program for research

and research development sub-plan. Provisions for the former sub-plan seek to, among others, oblige companies in Ghana's oil sector to submit forecasts of employment openings and training needs; periods in which companies would have job opportunities for Ghanaians; and steps companies would take to accelerate training of Ghanaians. Furthermore, LI 2204 requires companies to include in this sub-plan, means by which companies intend to replace non-Ghanaians with Ghanaians in order to meet the minimum requirements for local content. In the latter sub-plan (program for research and research development), LI 2204 requires oil and gas companies to submit to the Petroleum Commission, programs and budget for research and development that seeks to promote education, internships, and development in Ghana (Republic of Ghana 2013, 14–15).

From the foregoing, on the Local Content and Local Participation Regulations, it is clear that the intent of this governance document is to distribute the commercial benefits arising from Ghana's oil industry by ensuring the participation of Ghanaian nationals in the oil industry. Thus, the LI is an important checks and balances tool to ensure that oil companies in Ghana provide job opportunities in the industry to Ghanaians. However, this distribution (or redistribution) effort fails to account for how local communities immediately close to the oil operations can share in the benefits accruing from the oil industry. Benefits not limited to only commercial opportunities, but also benefits in terms of maintenance of the quality of their environment, participation in making decisions that impact them, and the recognition of their values in the management of Ghana's oil activities insofar as these activities have potential to impact their environment and livelihoods.

Thus, LI 2204 clearly does not target local communities in particular for distribution purposes, as the bases for enjoying its provisions are mostly unachievable by rural, poor, and illiterate communities. The LI 2204, in my view, as far as local communities are concerned is elitist, even by general Ghanaian standards. For instance, the oil industry is capital and technology intensive for which it would be difficult for members of the rural and poor communities immediately close to the oil activities to participate and share in the commercial benefits of the industry as LI 2204 intends.

4.2.2.4 Petroleum Exploration and Production Act

The Petroleum (Exploration and Production) Act of 2016 (Act 919) is to "provide for and ensure safe, secure, sustainable and efficient petroleum activities" for the production of oil to benefit the welfare of Ghanaians (Republic of Ghana 2016, 5). This Act replaces the Petroleum (Exploration and Production) Act, 1984 (PNDCL 84) and is organized into thirteen sections of which two sections are of most relevant for the objectives of this dissertation. These sections are "health, safety, security, and environment," and "environment and liability for pollution damage." I consider these sections to be of utmost importance for this project, because Act 919 represents a consolidation of some other laws and regulations I have already discussed.

In the first relevant section, Act 919 stipulates that oil operations must be carried out in ways that ensure high-level safety, and companies must submit to the Petroleum Commission of Ghana plans for implementing safely programs. The specific provisions of Act 919 in respect of safety precautions require oil companies to identify and evaluate hazards and risks corresponding to their activities that can threaten their employees and any persons present within the "vicinity of the facility" (Republic of Ghana 2016, 46). Act

919 requires oil companies to establish protocols for emergencies to address accidents that may injure people, damage property or the environment. These protocols must also include measures for ecological restorations after accidents.

The second section of Act 919 that I consider relevant for this project deals with environment and liability for pollution damage. Key provisions of the section include requirements for oil companies to follow environmental principles enshrined in the Environmental Protection Act, 1994, (Act 490). In addition, companies are obliged by Act 919 to conduct environmental impact assessments prior to commencing project activities (a requirement by LI 1562, which I have already discussed). Furthermore, per Act 919, companies are liable for any pollution resulting from oil activities, and the Act provides for a formula that should be applied to determine responsibility for paying compensations due to pollution damage.

Act 919 together with LI 1652 are the two key national documents that provide strict legal enforcement backing to the GEAM. With the two documents, the GEAM can function as a checks-and-balances tool for governing the environment in the face of oil exploration and development in Ghana. As already discussed, LI 1652 requires oil companies to obtain environmental permits prior to commencing operations. These requirements, however, are generic and not limited to activities of oil exploration and production. LI 1652 was formulated prior to commercial oil production in Ghana. The requirements of Act 919, on the other hand, are specific to activities of oil exploration and production. Hence, LI 1652 and Act 919 are complementary to each other in re-enforcing the GEAM's role in governing oil activities in Ghana.

In terms of environmental justice, Act 919 seeks to distribute the benefits of oil production for improving the welfare of Ghanaians, and to manage the environment and

security of oil operations. However, Act 919 does not define the limits of what constitutes the “vicinity” of oil and gas facilities. Consequently, whether “vicinity” applies to the immediate surroundings of oil activities, to exclude local communities or to include local communities, is left to be determined by oil companies. Furthermore, as I have already observed about other governance frameworks, Act 919 does little to address recognition and procedural justice.

4.2.2.5 National Environment and Energy Policies

Apart from the legislative and regulatory documents discussed above, there are other national documents that affect the environmental management and governance of oil activities in Ghana. Such national policies include the national environment policy and energy policy. Unlike the documents already discussed, these policies are not legislative by nature; the provisions of these policies only have administrative enforceability. Moreover, unlike the previously discussed documents, the environment and energy policies are easily subject to political (government) control: a successive government may totally abandon a policy formulated by a preceding government with ease.

The purposes of Ghana’s National Environment Policy of 2014 includes guiding environmental governance in Ghana; guiding Ghana’s development along the lines of sustainable development; and ensuring Ghana’s commitment to international conventions and agreements. The national environment policy is organized into eight sections captioned to reflect, among others, the environmental situation in Ghana; the policy principles; policy goal, objectives and strategies; sectoral environmental policies; cross-sectoral environmental policies; and policy implementation and arrangements

(MESTI 2014). National Environment Policy's objectives are distributive by design. Distributive in terms of ensuring and protecting the quality of Ghana's biophysical environment. The Environment Policy acknowledges the role of public and citizen participation in environmental management in Ghana

The goal of Ghana's Energy Policy, 2010 is to ensure the universal availability of energy services to Ghanaians in a sustainable manner. Among the ten objectives to achieve under this goal, the following are relevant for the purposes of this dissertation: improve the management, regulatory environment, and operation of Ghana's energy sector; minimize impacts arising from energy production and consumption to the environment; and facilitate participation of the private sector in Ghana's energy sector (Ministry of Energy 2010). The Energy Policy is divided into ten sections addressing key areas that include Ghana's power sub-sector; petroleum sub-sector; renewable sub-sector; waste-to-energy; energy efficiency and conservation; energy and environment; energy and gender; and management of the policy implementation process.

Neither the objectives nor the various sections of Ghana's Energy Policy identify and addresses environmental justice issues explicitly. However, there are several references to participation of the Ghanaian public and private sector in some cases. Participation, together with the fact that the policy goal and objectives serve to meet distributive purposes give reason to believe there is attention to environmental justice. But, addressing environmental justice issues of a particular project, for instance, is not only about ensuring participation, distributing the goods of the project, and recognizing people. It is all of that in a well-coordinated manner to effect a single goal—improving the well-being of people and the environment. Moreover, I would argue that in terms of

ensuring good governance of Ghana's oil industry, the Environment and Energy Policies have little to do in providing enforceable backing to the GEAM.

Each of the national documents discussed above have their individual inherent challenges, which I have discussed a few. However, even without the challenges mentioned above, a major factor in the success of these documents (LI 1652, Act 815, LI 2204, and Act 815) in the effective functioning of the overarching framework for governing Ghana's oil sector is in their implementation. These documents require administrative structures that can interpret, execute, and review their provisions to the letter. In what follows, I discuss some administrative elements of the institutional framework.

4.3 Organizational Structures

All the legislative, regulatory, and policy documents discussed so far either depend on existing organizational structures or provide for the establishment of new organizational structures for their implementation. There are instances that the legislative documents provide for the establishment of new organizations to complement already existing ones. In this section, I discuss some of the key public organizations and their roles in governing Ghana's nascent oil sector. Among the organizations of most relevance for the objectives of this dissertation are Ministry of Energy; Ministry of Environment, Science, Technology, and Innovation; Petroleum Commission of Ghana; Environmental Protection Agency; National Development Planning Commission; district assemblies, and traditional authorities.

4.3.1 Ministry of Energy

Ghana's Ministry of Energy belongs to the executive branch of governance in Ghana and in some respects an extension of the Office of the President. Prior to 2016, when the National Democratic Congress (NDC) political party was in charge of government, the Ministry of Energy existed separately from a Ministry of Petroleum. However, when a new political party—the New Patriotic Party (NPP)—took charge of government in 2017, the Petroleum ministry was subsumed under the Ministry of Energy. It is common for the President of Ghana to close or establish Ministries, because Ghana's 1992 Constitution gives the President the power to create and dissolve Ministries, as well as appoint and dismiss Ministers of State at any time. In what follows, I discuss the Ministry of Energy as of 2017 partly on the bases of information available on the ministry's website.

The Ministry of Energy's mandate is to develop and ensure availability of the best energy services at the least cost to every sector in Ghana's economy through policy formulation, policy implementation, and monitoring and evaluation. Given this mandate, the Ministry's functions include oil and gas policymaking; conversion of oil and gas policy into programs (and projects) for implementation; and enhancing capacities of agencies and departments under the Ministry of Energy to aid the Ministry execute its mandate (Ministry of Energy 2017b; Ministry of Energy 2017a). Thus, the Ministry of Energy has both policymaking and implementation powers, as well as powers to establish agencies that would implement the policies.

Ghana's Ministry of Energy is headed by a Minister of State, who is assisted by two deputies, and appointed by Ghana's President. They are then assisted by career civil servants who are professional technocrats that work under various directorates of

the Ministry. Apart from the in-house directorates of the ministry, the current Ministry of Energy (as of August 2017) oversees the activities of 16 agencies under it. Among these, the Energy Commission and the Petroleum Commission are of relevance for the purposes of this dissertation.

In 1997, Ghana established the Energy Commission by an Act of Parliament. The Energy Commission Act of 1997, Act 541, mandates it to "regulate and manage the utilisation (sic) of energy resources in Ghana and co-ordinate policies in relation to them" (Republic of Ghana 1997, 3). The Energy Commission's functions assigned by Act 541 include to recommend policies for developing and using indigenous energy resources in Ghana and advise the Minister of Energy on policies for the supply of natural gas and petroleum products, among others. Act 541 provides that the Energy Commission could be directed by the Minister of Energy to perform specific functions if the Minister believes such functions are in the interest of the Ghanaian public.

Ghana's Energy Commission is governed by a Board that includes an Executive Secretary. The Board provides policy guidance to the Commission, whereas the Executive Secretary manages the daily operations of the Commission's secretariat. The Board and the Executive Secretary are appointed by the President of Ghana in consultation with Ghana's Council of State and Public Service Commission respectively. Act 541 empowers the Energy Commission to establish any committee the Commission deems fit for the purposes of performing its functions (Republic of Ghana 1997).

As the latest of the two commissions, Ghana's Petroleum Commission (PC) was established by an Act of Parliament in 2011, four years after the major oil discovery and a year after oil production commenced in 2010. Although late in being established before oil production commenced, establishing the PC remedied the previous conflict of

interest in which the GNPC was both a producer of oil and an oversight organization that regulated oil exploration and production.

The Petroleum Commission Act of 2011, Act 821, establishes the Petroleum Commission to regulate and manage Ghana's petroleum resources, as well as coordinate petroleum resources policies. Among its functions, the Petroleum Commission is expected to recommend petroleum-related policies to the Minister of energy; enforce national policies, laws, and regulations on petroleum activities that include health, safety, and environment standards; and promote local content participation in Ghana's petroleum industry. The Petroleum Commission of Ghana is, furthermore, expected to advice the Minister of energy on matters related to petroleum activities (Republic of Ghana 2011a). The Petroleum Commission of Ghana is governed by a Board that includes a Chief Executive Officer who runs the Commission on a daily basis. The Chief Executive Officer and the Board of the Petroleum Commission are appointed by the President of Ghana.

Ghana's Energy and Petroleum Commissions have similar objective and some overlapping functions—a recipe for turf wars between the two organizations. Ghana's nascent oil industry is considered a lucrative sector, even for public institutions, and so there can be unnecessary competition for control or jurisdiction over the sector. This unnecessary competition is especially exacerbated for the Energy and Petroleum Commissions, because each of them is empowered by Acts of Parliament to perform similar functions. Any signs of turf wars are indications for oil companies in the sector to exploit the countries oil resources with impunity knowing the two commissions could be pitched against each other instead of collaborating to manage the sector. Thus, turf wars between regulatory institutions leaves the nation vulnerable and susceptible as the

institutions would not be engaged in their core activities of governing the sector effectively.

4.3.2 Ministry of Environment, Science, Technology, and Innovation

Ministry of Energy is the sector ministry for Ghana's oil exploration and production. Ministry of Environment, Science, Technology, and Innovation (MESTI) on the other hand, is the sector ministry in charge of managing Ghana's environment. MESTI is headed by a Minister of State who is assisted by a deputy minister. The Minister and deputy are appointed by Ghana's President. They are assisted by technical career civil servants in various fields to execute the functions of the Ministry. MESTI's functions include, among others and for the purposes of this dissertation, to make and implement policies on environment, science, technology, and innovation; oversee the formulation of regulations and standards to manage Ghana's environment; oversee the coordination, monitoring, and evaluation of activities related to the environment; consult with the National Development Planning Commission and district assemblies to establish parameters for programming environmental activities and human settlement; oversee research and review of policies and regulation relating to the environment; and oversee better environmental management and governance (MESTI 2017).

MESTI has six directorates that perform specialized daily functions of the Ministry. Among these directorates is the Environment Directorate that provides "technical support" to initiate and implement policies, programs, and legislation for sound environmental governance and natural resources management (MESTI 2017, n.p.). The Environment Directorate performs this broad function principally through two agencies: The Environmental Protection Agency (EPA of Ghana and the Town and

Country Planning Department. For the purposes of this dissertation, the EPA is the relevant institution of interest.

4.3.2.1 Environmental Protection Agency of Ghana

Ghana's Parliament established the Environmental Protection Agency with an Act—the Environmental Protection Agency Act, 1994, Act 490. Act 490 thereafter empowers the EPA to: provide advice and recommend to the minister in charge of Ghana's environment (MESTI) policies for consideration; and coordinate the activities of other organizations dealing with technical or practical sides of the environment. The EPA is further mandated by Act 490 to serve as the link between organizations dealing with technical or practical sides of the environment and MESTI (Republic of Ghana 1994a).

The EPA is headed by a Chief Executive Officer who is appointed by the President of Ghana. The Chief Executive Officer obtains broad policy guidance for running the daily affairs of the EPA from a Board whose membership is determined by the President of Ghana. As a national organization, the EPA has offices in all ten regions of Ghana with the head office divided into seven internal departments. The heads of departments and the Chief Executive Officer run the organization on a daily basis. Among the seven departments is the Petroleum Department in charge of the oil operations.

It is important to underscore the fact that the Petroleum Department was established in the EPA only after oil production started in Ghana. As such, there is acknowledgment, even within the EPA and the Petroleum Department, that the organization lacks the requisite human resources capacity to handle the demands of the

oil and gas sector and to fulfill its obligations. From information available on its website, the EPA's Petroleum Department expects to establish five units to effectively management the needs of the oil sector. The units to be established are expected to cater to upstream petroleum activities; downstream petroleum activities; emergency response needs; data management; and incident report receipt and record keeping (EPA 2017). There is no timeline as to when this would be done, although there should be one, and within a year from now, since oil production in Ghana is on the increase with more exploration and production. The units ought to be in place to complement existing institutions to enable the effective management of the oil sector.

4.3.3 Non-Governmental and Civil Society Organizations

Non-governmental organizations (NGOs) and civil society organizations (CSOs) play important roles in the national development agenda of Ghana. Among their roles include policy advocacy, activism, social mobilization, watch-dogging, and whistle-blowing. In the oil sector, NGOs and CSOs have come together to form a common platform on which they carry out their functions commonly. The Civil Society Platform on Oil and Gas (CSPOG), hosted by the Integrated Social Development Centre (ISODEC), was established in 2009, two years after oil discovery and a year before oil production commenced. (A sign of proactivity on the part of the CSOs.)

The Platform functions as a common avenue to share knowledge and harmonize activities of CSOs engaged in the oil sector in Ghana. CSPOG has a semi-formal ("loose") structure with membership open to individuals and organizations (Civil Society Platform of Oil and Gas 2017). With respect to the Platform's activities, it has been active in policy advocacy and has participated in influencing oil policymaking in Ghana.

CSPOG also serves as a watchdog and an agent for demanding transparency and accountability in Ghana's oil sector. All these activities are driven by one agenda—economic justice. I would argue that CSPOG acknowledges the existence of economic injustice in Ghana's oil sector, and by implication, environmental justice in the sector, because one aspect of environmental justice is distributive justice, which deals with allocations of goods accruing from development activities.

The presence of a common platform to advocate and raise concerns about Ghana's oil sector is laudable, however, if such a platform becomes the only mouthpiece or means by which civil society organizations in Ghana can be heard, then that can become a problem. There would appear to be only one (credible) voice (to be heard) on concerns CSOs may want to raise. Furthermore, a single platform as the CSPOG may have dissenting views or approaches in contrast to the collective approach of the Platform; dealing with such dissenting positions could be challenging and if not handle appropriately could lead to internal conflicts among members of the coalition. As a single voice, the Platform could easily be targeted by lobbyist, persons, and organizations seeking to unduly influence their positions and activities. Thus, it is important to have opportunities for multiple NGOs and CSOs to participate in Ghana's oil sector, and not to close the door to others, because the CSPOG is already participating. I am not aware if the door is closed, but it is important to keep that in mind.

4.3.4 Structural Gaps

So far, all the organizations I have discussed, from my perspective, are very important for managing Ghana's natural resources and environment. Indeed, per my observations of the practical aspects of these organizations, they appear to be

exercising the legal bases of their being in practical terms as far as Ghana's oil sector is concerned. These organizations are fully participating in Ghana's oil sector. By "fully," I mean to say the organizations have been recognized by other organizations as belonging to the oil sector. My use of "fully" does not imply that the organizations' level of participation is at the effective level desired.

There are some organizations that by virtue of their practical roles in Ghana, ought to be playing important roles in governing Ghana's oil sector, and yet they are not. These are organizations, I believe, have been given little attention in the management of Ghana's oil resources and the environment. They include the National Development Planning Commission, district assemblies, and traditional authorities. I discuss these in the following. In discussing these organizations, I am not implying that these are the only ones underrepresented in Ghana's oil sector. I acknowledge that other organizations exist that have been underrepresented in managing Ghana's oil and gas resources. My intent here is to highlight the fact that key organizations have been left out in the management of Ghana's oil resources and the environment, such that the criticism that oil is an enclave industry holds true.

4.3.4.1 National Development Planning Commission

One of the important, yet underutilized organizations in Ghana is the National Development Planning Commission (NDPC), one of a few organizations in Ghana that have their legal bases established explicitly by Ghana's 1992 Constitution. Articles 86 and 87 of the Constitution establishes the NDPC as part of the executive branch of governance, and in furtherance of the constitutional provisions, the NDPC is backed by two legislative frameworks, namely, the National Development Planning Commission

Act of 1994, Act 479, and the National Development Planning (System) Act of 1994, Act 480 (National Development Planning Commission 2015).

Act 479 places the Commission directly under the President of Ghana, and mandates the Commission to advice the President of Ghana on matters relating to development planning policies and strategies. Although the NDPC is responsible to Ghana's President, Ghana's Parliament may request the Commission to perform certain functions. Functions that include proposing multi-year national development plans; proposing plans for protecting Ghana's environment with the view to aligning development programs with sound environmental principles; and monitoring, evaluating, and coordinating development policies and projects in Ghana (Republic of Ghana 1994c). By these, the NDPC has powers to initiate policy proposals for national development, and to oversee the implementation of such policies.

NDPC's powers and functions are further entrenched by Act 480, the National Development Planning (System) Act of 1994. Act 480 designates NDPC as the national organization to coordinate Ghana's decentralized planning system. Within Ghana's decentralized planning system, the planning authorities of district/municipal/metropolitan assemblies are required to prepare development plans for their districts with guidance from NDPC and "full participation of the local community" (Republic of Ghana 1994b, 3). Yet, as noted, the Commission's functions have often been overlooked as far as oil activities are concerned. The NDPC was one of the institutions I selected to participate in my research, however, after obtaining an appointment and meeting with a Director of the Commission for interview, I was informed that the Commission was not part of any oil policymaking process in Ghana. Hence, the interview could not continue.

4.3.4.2 District Assemblies

Ghana's political administrative structure is designed to ensure a decentralized system of governance (at least on paper). Hence, the country is divided into ten administrative regions that are further divided into district assemblies (for local governance). Thus, district assemblies are important part of the decentralized planning system of Ghana. Furthermore, since the district assembly structure represents local government, they are very important institutions for local communities to influence, if not determine, their development needs and aspirations, and to plan for accordingly. However, many districts in Ghana lack the requisite resources, expertise, and infrastructure to independently take development planning into their own hands. Further exacerbating this challenge is the fact that Ghana's central government (headed by the Presidency and located in the capital city) determines district development plans by controlling the funding of district assemblies and appointing District Chief Executives.

The district assemblies of relevance for consideration here are the six coastal districts in the Western Region of Ghana, namely Ahanta West, Ellembelle, Jomoro, Nzema East, Sekondi Takoradi, and Shama Districts. These are six coastal districts whose areas of jurisdiction have been and/or would be affected by oil exploration and production. Given that the oil resources are offshore, the coastline of these districts are already busy, while inland, several acres of land have been acquired to develop oil infrastructure and businesses (Buckle and Sam 2017). Consequently, the significance of these six districts for the objective of this dissertation is that they are the districts to be immediately impacted by Ghana's oil activities whose involvement in any policymaking and planning should be paramount.

Participation of the six districts in oil policymaking is important in order for the policy to obtain and reflect the perspectives and aspirations of the local people. Participation of the district assemblies is important, also, because the districts can become shareowners of the final policy document, its outcome, effects, and share in the obligations and responsibilities provided by the policy. However, during my fieldwork in Ghana, I found out that none of the six districts participated in the preparation of the Guidelines on Environmental Assessment and Management (GEAM) of Ghana's offshore oil activities.

4.3.4.3 Traditional Authorities

At the local community level, within the six districts immediately effected by oil activities, there are traditional leaders who wield substantial amount of power for decisions making and allocation of resources. These local authorities are generally respected as institutions by the people they represent, yet, their participation in oil policymaking has been limited. Indeed, for the preparation of the GEAM, for instance, there was no participation of traditional authorities from the six districts in the preparation of the document.

Traditional authorities in Ghana are important institutions and serve to manage and direct the social, cultural, and economic life of communities in Ghana. Therefore, participation of traditional authorities from communities that are immediately affected by oil activities in the governance of the environment and natural resources is a non-negotiable position. Of course, it is acknowledged that traditional authorities in Ghana have inherent problems that make their participation in national development difficult. For instance, by nature, many traditional authorities are oral and many do not have

established means of keeping records. Furthermore, most activities of traditional authorities are often shrouded in secrecy and mystery making it difficult to seek accountability. Hence, it would appear that traditional authorities are not fit for consideration in Ghana's formal sector. That is wrong, because like any human institution, traditional authorities have their share of problems. What can be done is to work with the National House of Chiefs in Ghana to support their efforts in reforming traditional leadership in Ghana. This way, traditional authorities, whom local communities respect and uphold, can participate effectively in national development planning and management on behalf of their people.

From my perspective, the major hurdle on the path of traditional authorities' participation in national policymaking derives from the constitution of Ghana. Although Ghana's 1992 Constitution gives respect and visibility to traditional authorities in several national affairs, it prohibits traditional authorities in Ghana from participating in partisan politics, among several other prohibitions. Okyenhene (2010) provides a review of some the constitutional obstructions imposed on traditional authorities in Ghana.) Consequently, since policymaking in Ghana is by and large a political activity and a formal process, there is the tendency to exclude traditional authorities in the policymaking process until the latter and advanced stages of the process where traditional authorities are invited to attend stakeholder consultation workshops. However, this practice is wrong. Policymaking may be political, but it ought not to be partisan. Therefore, traditional authorities should be involved in development planning and natural resources policymaking from the onset.

In the foregoing, I have shown that Ghana has an institutional framework consisting of legislations and administrative structures for governing the soil sector. In

this framework, the constituent elements (various documents and organizations) including the GEAM serve as checks and balances to direct participants and regulators of the oil sector to deliver goods. For this framework to be effective as checks and balances, however, Ghana ought to overcome some challenges. For instance, in Chapter 2, I highlighted an argument by Auty (1994) that in the event of windfall income from natural resources, supervisory administrations and institutions become tolerant of unproductive policies and directives in their governance efforts. In a similar way, Ross (1999) argues that windfall income from natural resource extraction tends to weaken state institutions, and there is a tendency for institutions to exhibit rent-seeking behavior that do not inure to the benefit of the state (Auty 1994). Ghana's institutions must not be found wanting in these ways so to ensure good governance of the oil sector and to avert the resource curse.

Moreover, it is not adequate to have institutions governing Ghana's oil sector. The quality of those institutions is important (Brunnschweiler and Bulte 2008). Robinson et al. (2006) argue that the extent to which benefits of resource wealth are distributed in a country depends on the quality of institutions, because high quality institutions can stem the concerns raised in the previous paragraph, and not allow inefficient approaches to prevail. Low quality institutions on the other hand can enable incumbent political administration to pursue and implement bad policies that only serve the administration's purposes. Pendergast et al. (2011) argue that institutions have a two-way effect on corruption: well-developed institutions can reduce corruption and corruption can diminish the quality of instructions. If Ghana's institutional framework has to work to ensure environmental justice and to avert the resource curse, its quality needs to be high—e.g., human resource capacities need be excellent. As I have

acknowledged earlier, there is insufficient expertise on oil in Ghana; but expertise is one aspect of institutional quality. Another aspect is the nature of public engagement—transparency and accountability—approaches adopted by the institution.

In addition, if Ghana should succeed in averting the resource curse through good governance of the oil sector by considering the checks and balances in the institutional framework, then Ghana must overcome the bane of checks and balances. Acemoglu, Robinson, and Torvik (2011) argue that checks and balances act like a double-edged sword. On one side, they check abuse of power and corruption, while on other side they make it easier for the affluent and powerful in society to bribe and lobby to have their ways. Of course, the ability of the second side to manifest is a function of institutional quality. Ghana has to address this problem to prevent the abuse of the checks and balances.

From the analysis so far, I can conclude that Ghana's institutional framework has no specific legal or policy document addressing environmental justice even though I showed how some of the documents address environmental justice without the expression "environmental justice" stated. Besides, although there are organizational structures for managing Ghana's oil sector and the environment, there is no specific organization designated to administer environmental justice in Ghana (as the EPA of the US does). In light of these, I gauged the level of understanding of environmental justice among policymakers and persons who influence policymaking in Ghana. I discuss the outcome of my interviews in this regard in the following.

4.4 Perception of Environmental Justice in Ghana

In assessing the level of understanding among representatives of public

institutions, civil society organizations, and academic and research institutions, I discovered a mixture of the presence and absence of adequate understanding of what environmental justice is. I use “adequate” to mean being able to offer an explanation of “environmental justice” that points to differentiated environmental impacts of development that may arise due to the nonparticipation of relevant stakeholders and no recognition of their values. To put into some perspective, I recapitulate and modify a definition of “environmental justice” operationalized by the United States of America’s Environmental Protection Agency (USEPA). Thus, “environmental justice” is “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies (USEPA 2017, n.p.) that affect “where we live, work and play” (Novotny 2000, 3).

The salient portions of the USEPA’s definition include the intent to seek fairness in environmental management in policymaking, policy implementation, and enforcement; democratization of decision-making in environmental management; and nondiscrimination against people. All these attend to differentiated environmental impacts of development. Moreover, the definition by the USEPA is relevant here, because the USEPA embodies the environmental justice frame in the U.S.: the USEPA has a working definition for “environmental justice,” and an organizational structure to administer it and I would recommend that as part of the expansion of Ghana’s EPA with new units, an environmental justice unit be created. But the embodiment of environmental justice in the U.S. by the USEPA cannot be replicated elsewhere without modification, because environmental justice issues are spatially and temporally contextual.

Subjects interviewed demonstrated little familiarity with the phrase, "environmental justice," though the policies and institutions discussed above show intent to meet its requirements despite weaknesses for which I identified and suggested remedies. The Chief Director at the Ministry of Energy (formerly the Ministry of Petroleum) provided explanation for "environmental justice" focused on provisions relating to the Local Content Act (LI 2204) and corporate social responsibility activities of oil companies. Presented with the USEPA's definition, all subjects acknowledged that their institution works to address environmental justice through public participation based on provisions in Ghana's Environmental Assessment Regulations (LI 1652). But environmental justice is not only about participation alone; it is dealing with the aspirations and needs of different groups of people in society.

Among representatives of the academic and research institutions I interviewed, there was an appreciable level of understanding of what "environmental justice" means. The Programs Coordinator at ISODEC, representing civil society organizations, offered the best explanation for "environmental justice" to include "host communities should not suffer unduly" from natural resources extraction. In his explanations, he said:

> …we need to strengthen that process [environmental impact assessment] to ensure that host communities don't suffer unduly from the irresponsible actions of companies so to make sure the compliance mechanism which is a follow up to the conduct of the environmental impact assessment and the public hearings are actually strengthened so that we are able to mitigate truly the negative fallout of environmental activities. Let me stress the fact that one of the key points of our policy advocacy around the environment has been crucial for environmental accounting in our natural resource sector…when we are told that in a particular year Ghana derives so much dollars in revenues, we want to also be told how much it has cost us environmentally and socially to generate that revenue. (Program Coordinator at ISODEC, personal communication 2015)

This participant showed a deeper understanding of environmental justice, which his organization has used in their advocacy activities.

However, since public institutions in Ghana, especially those under the executive branch of governance, are the chief drivers of policymaking and policy implementation, their lack of familiarity with the environmental justice framework coupled with the absence of a national consensus in Ghana on “environmental justice” could affect ways in which the implicit provisions for environmental justice in national documents are executed. Civil society organizations and academia may understand “environmental justice,” but that is not enough. There is need to reach some consensus on an understanding for “environmental justice” in Ghana. In particular, increased conversation between government Ministries and CSOs concerned with oil development is strongly recommended for avoiding the resource curse with respect to oil. Policy needs to include not just indigenous people and local communities, but also CSOs that have greater opportunity to understand environmental justice movements elsewhere, and thus are well-placed to enrich the Ghanaian discourse on good governance of oil.

4.5 Chapter Summary

Following the 2007 discovery of oil reserves in Ghana, the nation begun organizing to establish an institutional framework to govern the oil industry that was about to take off. These efforts were ongoing as were preparations by oil companies to commence oil production. However, the nation’s efforts were slow-paced compared to the pace at which the multinational corporations were proceeding with their own preparations to produce the oil. Nonetheless, Ghana has in place an institutional framework to govern the exploration and development of oil, and the environment. The framework comprises documents (international and national legislations) and national organizational structures. Although I am claiming that Ghana has an established

framework in place, I am not implying that such a framework is fixed and its establishment is complete. To the contrary, I believe that the process has not ended—it must not; it is a continuous and evolving process that should go on so long as the oil industry exists in Ghana. Indeed, it is because of the framework's evolving nature that this dissertation is founded.

The document-based elements of the framework comprise international Conventions, and national legislation and regulations. Together, these broadly seeks to function as checks and balances in Ghana's oil sector to distribute benefits from the extraction of oil resources, and to manage the environmental ramifications of oil extraction. The administrative elements of the framework comprise Ministries, Departments, Agencies, and Commissions designated to ensure the implementation of the legislations and the GEAM.

In this Chapter, I analyzed three international documents that have been assimilated into practices (and checks and balances) of Ghana's oil sector. Also, I analyzed five national documents. In my analyses, I come to conclude that Ghana's national documents have been influenced by international conventions and treaties Ghana is a signatory and party to. Specifically, Ghana's legal and policy documents for the oil sector have been influenced by the International Convention for the Prevention of Marine Pollution from Ships, 1973, modified 1978 (MARPOL 73/78) and the United Nations Convention on the Laws of the Sea (UNCLOS). Furthermore, Ghana's oil sector has been managed with aspects of the World Bank's Social and Environmental Performance Standards.

Provisions of the international and national documents I analyzed significantly address distributive justice and are capable of serving as checks and balances in

Ghana's oil sector. Moreover, provisions of the documents I analyzed, especially the Environmental Assessment Regulation (LI 1652) and the Petroleum Exploration and Production Act (Act 919), provide legal enforceable backing to the GEAM to perform the role of checks and balances. For the documents that do not directly serve as legal backing to the GEAM, they nonetheless, belong to the overarching institutional framework for managing Ghana's oil sector and thus perform complementary functions to the GEAM. Hence, although the documents fall short in some aspects of addressing the trivalent nature of environmental justice (distributive, procedural, and recognition justice), they complement each other and end up addressing it. Thus to address the trivalent environmental justice in Ghana's oil sector, managers of the sector have to look carefully at different documents and provisions for remedy. Alternatively, the Petroleum Commission or some regulatory authority could embark on an exercise to compile the environmental justice provisions into a single document (in the form of the GEAM) for easy referencing and to facilitate implementation.

With respect to the administrative structure coupling the documents in the institutional framework, and implementing provisions of these documents, I would argue that Ghana is on the right path with respect to their establishment. For instance, the Petroleum Commission of Ghana regulates oil companies and the sector; the Environmental Protection Agency is manager of the environment, issues environmental permits, and imposes fines for environmental infractions; and the Public Interest and Accountability Committee ensures transparency in management of revenue from the oil. These and other organizations implement the checks and balances provisions contained in the various documents of the overarching institutional framework in order to ensure good governance and avert the curse of resources. I should also point out

that there are some organizations whose participation in the sector is not at the desirable level—e.g., district assemblies and the National Development Planning Commission—and efforts should be made for their engagement.

However, some of the organizations have similar legislative mandates that clash with each other and that can lead to turf-wars. I also observed that all the state/public organizations are in the control of the Executive branch of governance in Ghana, with Ghana's president wielding all the power to appoint and remove heads of the institutions. The executive branch also determines policy on ways the organizations ought to operate. With the executive holding so much power in Ghana's oil sector, it becomes easier for poor practices like rent-seeking behavior and small bribe systems that grow and foster corruption to set in, and for external bodies and interests to easily exert influence through lobbying activities.

In this chapter, I have shown that Ghana has a reasonably well-developed policy framework and institutional arrangement for good governance of its oil wealth, but that this framework is fragmented over multiple documents and organizations and uneven in its ability to meet requirements of the triad of distributive, procedural and recognition justices that comprise environmental justice. I have also shown that these documents and institutions give some teeth to the GEAM that is otherwise weak to induce accountability. The function of the GEAM is accordingly to provide a comprehensive document that collects together best practices from other policy documents that are enforceable and provide the accountability the GEAM cannot.

High quality organizations are nonetheless needed for Ghana's oil sector. Furthermore, Ghana must avoid the bane of checks and balances by ensuring transparency in the oil sector. In the final chapter, I will make further recommendations.

CHAPTER 5

CONCLUSION

The overarching goal of this dissertation is to contribute to the discourse on natural resources management using Ghana's management of oil resources as a case study. Specifically, I set out to examine the policy context of Ghana oil industry, to see if governance of oil resources might contribute to a curse in Ghana, or positively impact development. Throughout that examination, I looked to see ways in which Ghana's institutional framework—the policy and administrative contexts—for governing the oil sector seek to address environmental justice. In pursuing the overarching goal, and using Ghana as a case study, I set specific objectives: to map Ghana's policymaking space; to analyze Ghana's institutional arrangement for managing oil activities and the environment; and to assess the level of understanding or environmental justice among policymakers in Ghana.

Although environmental justice has tremendous potential for addressing differentiated socioeconomic and environmental impacts of natural resources extraction, it has not been highlighted in mainstream natural resources policymaking, perhaps because the resource curse literature does not discuss it. I did not find, in the academic literature or in international frameworks, provisions explicitly direct the application of the trivalent environmental justice to address differentiated effects of natural resources extraction. By trivalent environmental justice, I mean efforts that seek to complementarily address distributive, procedural, and recognition justice. I did find in the governing documents I analyzed provisions that seek to address in general distributive justice, but procedural and recognition justices less so and more unevenly.

A key feature of natural resources management literature is the resource curse debate—whether natural resources are associated to poor economic growth and development or whether natural resources have positive impacts on economic development and growth. Resource-curse scholars argue that natural resources have the unavoidable effect of contributing negatively to the overall development of resource-endowed nations. Yet, since the turn of the century more scholars have emerged who dispute this claim and argue against the existence of such a curse. In examining the resource curse debate, I conclude that the debate is misplaced, because each side of the debate contain ambiguities that require clarification. Moreover, every scholar, on either side of the debate, gives reasons why the curse would manifest or not.

With respect to ambiguities left unaddressed in the resource curse debate, I would highlight what borders on the meaning of “development,” as used by proponents and opponents of the resources curse thesis. It appears that by “development,” they mean the well-being of nations (citizens and their environment); however, in actuality, what is measured in the analyses of these is gross domestic product (GDP) of various nations. The use of GDP as a proxy measure for well-being has been critically contested and weakened to the extent that the United Nations has adopted the Human Development Index as a measure of well-being. Alternatively, there is the Index for Sustainable Economic Welfare (ISEW) that assesses development for the perspective of daily-lived experiences of people.

The use of GDP to measure national development and well-being of nations is seductive due to its convenience for purposes of measurements in the positivist perspectives. However, human well-being is too complex to be reduced. Normative assessments and valuations are needed, for which scholars dominating the resources

curse debate (mostly economists) seem to have no patience and appetite for. Thus, natural resources policymaking needs the expertise of philosophers to not only bring the normative perspective to bear on analyses that impact natural resources policies, but to also help in avoiding ambiguities by providing the clarity of concepts.

Moreover, in addition to the lack of clarity on key concepts in the resources curse debate, I would conclude that the debate is misplaced because both sides of the debate provide reasons why nations may experience the curse or not. On this score, I believe the focus should then be on examining these reasons or factors that can contribute to avoiding the curse in order to improve the environment and lives of people. Scholars should move away from showing that the curse exists or not and focus on how resource-endowed countries should avoid it. In this regard, I argue that adopting the trivalent environmental justice framework would be a key to avoiding the curse of natural resources.

I recognize the absence of discussion on the trivalent environmental justice in the resource curse discourse. Hence, I call for attention to be given in the resources management literature about ways to mainstream the trivalent environmental justice into natural resources policy. In addition to making the call, I project this call by examining the framework of the policymaking process in Ghana as a means to understand it and place oil policies in the framework for analysis. In the analyses, I focus on Ghana's Guidelines for the Environmental Assessments and Management of offshore oil activities (GEAM), because it is one important policy document produced after oil discovery to serve as a checks-and-balances mechanism for stakeholders in Ghana's oil sector. In examining the policymaking space in Ghana, I find that the Executive branch of governance has control, and the country's constitution provides the backing.

Ghana's President and Ministers of State, whom the President appoints, have control over policymaking and funding of the policy process and implementation. Though the Parliament of Ghana has roles in demanding accountability (and in some cases) approval, the institution has yet to assert itself. This is partly because Ghana's constitution has placed hurdles on the Parliament's path in respect of policymaking. Furthermore, Ghana's Parliament has so far been a "rubberstamp" institution.

Since Ghana's policymaking space is controlled by the Executive branch directly and indirectly though the agencies and departments the Executive controls, there is recognition that more room exists to broaden and encourage participation of the public in Ghana. Indeed, there has been efforts to improve public participation in policymaking in Ghana. In spite of all the challenges, civil society organizations have been very aggressive in demanding more participation and they have been proactive in engaging policymaking institutions on national policies.

Ghana's policymaking framework comprises state actors (mainly under the auspices of the Executive branch of governance) who control the entire process and non-state actors that include civil society organizations (CSOs), think tanks, business organizations, and private citizens. As noted earlier, a significant drawback of Ghana's policymaking framework is the poor level of participation by non-state actors in the process. For instance, participation of traditional authorities, local communities, and private citizens is inadequate, a situation I found with the policy process of the GEAM. Poor participation from non-state actors arise because of limited opportunities for them to participate and due to the fact that many of the policymaking processes are not transparent.

Problems of policymaking in Ghana are not limited to the GEAM policy process alone. In Ghana's oil sector, challenges that beset policymaking include shortage of expertise (typical for a new and emerging industry, but nonetheless needing urgent addressing), lack of continuity due to non-commitment of succeeding governments to policies formulated by preceding governments, and the influential behaviors of lobbyists. In addition to these challenges, Ghana's policy process has a reputation of poor policy implementation, partly because organizations are busy in conflict with each other over jurisdictions of the oil sector. Some of these conflicts arise because of overlapping functions and mandates assigned by statutory law. Ghana has problems with policy implementation because the policies lack buy-in. Since there is some form or elitism and enclave-behavior in the policy process in Ghana, not many would be ready (due to genuine ignorance or deliberate withdrawal of interest) implement.

I began this project with a thought that policymaking institutions were the same as those managing Ghana's oil sector and the environment. However, as my research progressed, it became clear that although there are overlaps, they are not the same, because policymaking institutions are mostly separate from policy implementing institutions, although some may embody the two (e.g., the EPA). Hence, apart from the policymaking framework, I analyzed Ghana's institutional framework for governing the oil sector. The governing framework comprises international and national documents on one hand, and national administrative organizations on the other.

In analyzing the international and national documents governing Ghana's oil sector, I find that they have provisions to serve as checks and balances that ensure good governance in the oil sector. Moreover, though aspects of some of the documents were assimilated into the GEAM, all the documents complement the GEAM in different

ways to ensure good governance. Thus, with the legislations and regulations in place, Ghana has a chance of averting the curse of natural resources; however, Ghana needs high quality administrative organizations to translate tenets of the documents into practice.

Organizations comprising the institutional framework for managing Ghana's oil sector require capacity building in order to deliver on the provisions of the legislative, regulatory and policy documents. For instance, though the EPA has existed longer than the 2007 oil discovery, its Petroleum Department was created after oil production started. Hence, in order for the EPA to play the role of environmental regulator, the organization ought to have capacity for doing. Yet, the organization does not have all its divisions in place. The Petroleum Commission is a new creation altogether after oil discovery. There is so much responsibility on the organization, an organization that has new staff that are learning to navigate the complex terrain of the oil industry. Besides, I believe the organization has been given too much to deal with. I would have preferred it split into two organizations—one in charge of regulations and the other in charge of monitoring enforcement of the oil sector.

In the face of challenges, Ghana has established an institutional framework to govern the oil sector in order to avert the curse of natural resources. This structure also has the ability to deliver some environmental justice to communities in oil producing areas in Ghana. Overall, the framework functions as a system of checks and balances in the oil industry to ensure that Ghanaians benefit from the oil resource. However, for this framework to be effective, Ghana would have to take proactive action to make policy that does not allow checks and balances to be abused. Moreover, the gap between what is positive in the material discussed above, and the experience at the

Ahanta West District where locals had to clean up a spill themselves, must be closed through unambiguous and consistent implementation of what is emerging as a reasonable policy in progress, despite its weaknesses.

APPENDIX A

APPROVAL LETTER AND RESEARCH MODIFICATION REQUEST APPROVAL LETTER FROM UNT IRB

UNT

A green light to greatness.

THE OFFICE OF RESEARCH INTEGRITY AND COMPLIANCE

November 13, 2014

Supervising Investigator: Dr. Patricia Glazebrook
Student Investigator: Gordon Akon-Yamga
Department of Philosophy and Religion Studies
University of North Texas

Re: Human Subjects Application No. 14452

Dear Dr. Glazebrook:

As permitted by federal law and regulations governing the use of human subjects in research projects (45 CFR 46), the UNT Institutional Review Board has reviewed your proposed project titled "Oil in Ghana: Blessing or Curse? Examining Environmental Justice and the Social Process in Policy-Making." The risks inherent in this research are minimal, and the potential benefits to the subject outweigh those risks. The submitted protocol is hereby approved for the use of human subjects in this study. **Federal Policy 45 CFR 46.109(e) stipulates that IRB approval is for one year only, November 13, 2014 to November 12, 2015.**

Enclosed is the consent document with stamped IRB approval. Please copy and **use this form only** for your study subjects.

It is your responsibility according to U.S. Department of Health and Human Services regulation to submit annual and terminal progress reports to the IRB for this project. The IRB must also review this project prior to any modifications. **If continuing review is not granted before November 12, 2015, IRB approval of this research expires on that date.**

Please contact Shelia Bourns, Research Compliance Analyst at extension 4643 if you wish to make changes or need additional information.

Sincerely,

Chad R. Trulson, Ph.D.
Professor
Department of Criminal Justice
Chair, Institutional Review Board

CT/sb

UNIVERSITY OF NORTH TEXAS
1155 Union Circle #310979 Denton, Texas 76203-5017
940.369.4643 940.369.7486 fax www.research.unt.edu

UNT

A green light to greatness.

THE OFFICE OF RESEARCH INTEGRITY AND COMPLIANCE

December 9, 2014

Supervising Investigator: Dr. Patricia Glazebrook
Student Investigator: Gordon Akon-Yamga
Department of Philosophy and Religion Studies
University of North Texas

Institutional Review Board for the Protection of Human Subjects in Research (IRB)
RE: Human Subject Application #14452

Dear Dr. Glazebrook,

The UNT IRB has received your request to modify the study titled "Oil in Ghana: Blessing or Curse? Examining Environmental Justice and the Social Process in Policy-Making." As required by federal law and regulations governing the use of human subjects in research projects, the UNT IRB has examined the request to revise recruitment letters to allow the Student Investigator to collect approval from participating sites. The modifications to this study are hereby approved for the use of human subjects. **Federal Policy 45 CFR 46.109(e) stipulates that IRB approval is for one year only, November 13, 2014 to November 12, 2015.**

The IRB must review this project prior to any other modifications.

Please contact Shelia Bourns, Research Compliance Analyst, at (940) 565-4643 if you wish to make changes or need additional information.

Sincerely,

Chad Trulson, Ph.D.
Professor
Department of Criminal Justice
Chair, Institutional Review Board

CT/sb

UNIVERSITY OF NORTH TEXAS
1155 Union Circle #310979 Denton, Texas 76203-5017
940.369.4643 940.369.7486 fax www.research.unt.edu

APPENDIX B

QUESTION GUIDES FOR INTERVIEWS

Questions to Guide Interview of Key Informants at Public Institutions

1. What is the mandate/role of your organization in relation to Ghana's oil and gas development?
2. What do you know about Ghana's environmental policies relating to oil and gas development? Do you know about Ghana's Guidelines on Environmental Assessment and Management of oil and gas?
3. What are your views about the objectives of policies/the Guidelines?
    a. Are the objectives sufficient to achieve the policy goal?
    b. What do you perceive are problematic about the objectives?
    c. What other objectives would you have preferred?
4. What new thing would the guidelines do than currently pertains in the natural resource sector in Ghana or in the oil and gas sector of other countries?
    a. How different is it from the *ordinary* environmental impact assessment process?
5. Do the environmental policies and or Guidelines on Environmental Assessment and Management of oil and gas address future on-shore oil development and expanded oil refining?
6. If so how? If not what other policies are there to address these?
7. Was your organization involved in formulating the policies/guidelines? What role did your organization play?
8. Does your organization have a department/unit/person responsible for oil and gas and or local content issues? If no, why?

9. Do you think your organization is adequately represented at events and processes in the environmental management of Ghana's oil and gas development?
10. Do you think that the environmental policy-process involved the key stakeholders? If not, name the stakeholders that should have been part. Why should they have been part?
11. Has your organization seen a re-organization in view of Ghana's oil and gas development? How so? Was this reorganization due to any national policy on oil and gas?
12. Do the environmental policies and guidelines on oil and gas reflect your organization's policy objectives? What would have being your organization's policy objectives?
13. Is avoiding environmental injustice in Ghana's oil and gas sector important to your organization?
14. Does your organization have any program, project or activities relating to environmental justice? What is your operational understanding of environmental justice?
15. Do you think the environmental policies and guidelines on oil and gas address environmental justice issues in:
    a. Current offshore development and gas processing?
    b. Future onshore development?
    c. Future expansion in oil refining?

16. If your organization did participate in the environmental policy-processes, was the “forum” of participation adequate/appropriate? What “forum” would have been best for you and other participants?
17. Do you think your organization is entitled to participation in the environmental management of Ghana’s oil and gas development? If you so, how?
18. Why do you think that your organization’s input ought to be taken seriously in the environmental management of Ghana’s oil and gas development?
19. If (or since) your organization was not engaged in the policy-process, what resort do you have to compel the “powers that be” to engage you? How can (or do) you get attention for that?
20. Has your organization benefitted (or achieved something) from the policy-process?
21. What are your general views about the policy-making process?
22. What do find challenging about Ghana’s natural resources policy-making process?
23. What would you recommend for the process in natural resources policy-making in Ghana?
24. Who would you recommend to me that can also provide answers to these questions within or outside your organization?

Questions to Guide Interview of Key Informants at Institutions

(Academic Institutions, CSOs, and NGOs)

1. What is the mandate/role of your organization in relation to Ghana's oil and gas development?
2. What do you know about Ghana's environmental policies relating to oil and gas development? Do you know about Ghana's Guidelines on Environmental Assessment and Management of oil and gas?
3. Was your organization involved in formulating the policies/guidelines? What role did your organization play?
4. Do you think your organization is adequately represented at events and processes in Ghana's oil and gas development?
5. Do you think that the environmental policy-process involved the key stakeholders? If not, name the stakeholders that should have been part. Why should they have been part?
6. Do the environmental policies and guidelines on oil and gas reflect your organization's policy objectives? What would have being your organization's policy objectives?
7. Is avoiding environmental injustice in Ghana's oil and gas sector important to your organization?
8. Does your organization have any program, project or activities relating to environmental justice? What is your operational understanding of environmental justice?
9. Do you think the environmental policies and guidelines on oil and gas address environmental justice issues in:

a. Current offshore development and gas processing?

b. Future onshore development?

c. Future expansion in oil refining?

10. Do you think your organization is entitled to participation in the environmental management of Ghana's oil and gas development? If you so, how?

11. Why do you think that your organization's input ought to be taken seriously in the environmental management of Ghana's oil and gas development?

12. What are your general views about the policy-making process?

13. What do find challenging about Ghana's natural resources policy-making process?

14. What would you recommend for the process in natural resources policy-making in Ghana?

15. Who would you recommend to me that can also provide answers to these questions within or outside your organization?

APPENDIX C

COPY OF INFORMED CONSENT FORM

University of North Texas Institutional Review Board

Informed Consent Form

Before agreeing to participate in this research study, it is important that you read and understand the following explanation of the purpose, benefits and risks of the study and how it will be conducted.

Title of Study: Oil in Ghana: Blessing or Curse? Examining Environmental Justice and the Social Process in Policy-Making.

Student Investigator: Gordon Akon-Yamga, University of North Texas (UNT) Department of Philosophy and Religion Studies. **Supervising Investigator:** Dr. Patricia Glazebrook.

Purpose of the Study: You are being asked to participate in a research study to identify and address environmental justice issues in Ghana's burgeoning oil and gas sector.

Study Procedures: You will be asked to respond to questions about your knowledge of Ghana's oil and gas sector as it relates to policy-making; impacts of oil and gas development in Ghana; and about the perception and formulation of policies to address environmental justice. This interview will take about 45 minutes to an hour of your time.

This interview will be recorded, and the investigator shall use the recording for the purposes of this study only.

Foreseeable Risks: You may feel the discomfort of having to spend up to an hour away from your desk and not performing your usual administrative or technical duties. You may stop the interview at anytime.

Benefits to the Subjects or Others: This study is not expected to be of any direct benefit to you, but we hope to learn more about how environmental justice issues are taken onboard in Ghana's oil and gas sector. This study may contribute to the debate as to whether natural resources are blessings or curses to countries that have them.

Compensation for Participants: None.

Procedures for Maintaining Confidentiality of Research Records: Confidentiality cannot be guaranteed, as your professional title will be used in any publications.

Questions about the Study: If you have any questions about the study, you may contact Gordon Akon-Yamga at gordon.akonyamga@unt.edu, or Dr. Patricia Glazebrook at tg@unt.edu.

Review for the Protection of Participants: This research study has been reviewed and approved by the UNT Institutional Review Board (IRB). The UNT IRB can be contacted at (940) 565-4643 with any questions regarding the rights of research subjects.

APPROVED BY THE UNT IRB
FROM 11/13/14 TO 11/12/15
NB

Research Participants' Rights:

Your signature below indicates that you have read or have had read to you all of the above and that you confirm all of the following:

- Gordon Akon-Yamga has explained the study to you and answered all of your questions. You have been told the possible benefits and the potential risks and/or discomforts of the study.
- You understand that you do not have to take part in this study, and your refusal to participate or your decision to withdraw will involve no penalty or loss of rights or benefits. The study personnel may choose to stop your participation at any time.
- You understand why the study is being conducted and how it will be performed.
- You understand your rights as a research participant and you voluntarily consent to participate in this study.
- You have been told you will receive a copy of this form.

_____
Printed Name of Participant

_____ _____
Signature of Participant Date

For the Student Investigator:

I certify that I have reviewed the contents of this form with the subject signing above. I have explained the possible benefits and the potential risks and/or discomforts of the study. It is my opinion that the participant understood the explanation.

_____ _____
Signature of Student Investigator Date

APPROVED BY THE UNT IRB
FROM 11/13/14 TO 11/12/15

BIBLIOGRAPHY

Acemoglu, Daron, James A. Robinson, and Ragnar Torvik. 2011. “Equilibrium Checks and Balances.” Cambridge, Massachusetts.

Ackah-Baidoo, Abigail. 2012. “Enclave Development and ‘Offshore Corporate Social Responsibility’: Implications for Oil-Rich Sub-Saharan Africa.” *Resources Policy* 37 (2). Elsevier: 152–59. doi:10.1016/j.resourpol.2011.12.010.

———. 2013. “Fishing in Troubled Waters: Oil Production, Seaweed and Community-Level Grievances in the Western Region of Ghana.” *Community Development Journal* 48 (3): 406–20. doi:10.1093/cdj/bst022.

Adam, Mohammed Amin. 2013. “Between a Blessing and a Curse: The State of Oil Governance in Ghana.” 1. ACEP Policy Paper Series. Accra.

Akabzaa, Thomas. 2009. “Mining in Ghana: Implications for National Economic Development and Poverty Reduction.” In *Mining in Africa: Regulation and Development*, edited by Bonnie Campbell, 25–65. New York: Pluto Press.

Akabzaa, Thomas, and Darimani Abdulai. 2001. “Impact of Mining Sector Investment in Ghana: A Study Of The Tarkwa Mining Region (Draft Report for SAPRI).” Accra.

Alexeev, Michael, and Robert Conrad. 2009. “The Elusive Curse of Oil.” *The Review of Economics and Statistics* 91 (3): 586–98.

Amakye, JS, Seth Larmie, and Ron Smit. 2007. “The Impact of Mining on the Riverine Ecosystem of Ghana-an Sea Perspective.” In *ERTEP Conference, 17-19 Jul 2007, Accra, Ghana.*

Amponsah-Tawiah, Kwesi, and Kwasi Dartey-Baah. 2011. “The Mining Industry in Ghana : A Blessing or a Curse.” *International Journal of Business and Social Science* 2 (12): 62–69.

Andersen, Jørgen Juel, and Silje Aslaksen. 2006. “Constitutions and the Resource Curse.” 11/2006. Trondheim.

Anderson, Mark, and Billie Adwoa McTernan. 2014. “Does Ghana’s Oil Boom Spell the End for Its Fishing Industry?” http://www.theguardian.com/global-development/2014/aug/22/ghana-oil-boom-end-fishing-industry.

Andrews, Matt. 2008. “The Good Governance Agenda: Beyond Indicators without Theory.: EBSCOhost.” *Oxford Development Studies* 36 (4).

Anomohanran, O. 2012. “Determination of Greenhouse Gas Emission Resulting from Gas Flaring Activities in Nigeria.” *Energy Policy* 45: 666–70. doi:10.1016/j.enpol.2012.03.018.

Appiah, Divine Odame, and Juliet Nana Buaben. 2012. “Is Gold Mining a Bane or a Blessing in Sub- Saharan Africa : The Case of Ghana.” *International Journal of Development and Sustainability* 1 (3): 1033–48.

Aristotle. 1999. *Nicomachean Ethics*. Edited by Trans.Terence Irwin. Second. Indianapolis: Hackett.

Asante, Kwadwo Ansong, Tetsuro Agusa, Annamalai Subramanian, Osmund D Ansa-Asare, Charles a Biney, and Shinsuke Tanabe. 2007. “Contamination Status of Arsenic and Other Trace Elements in Drinking Water and Residents from Tarkwa, a Historic Mining Township in Ghana.” *Chemosphere* 66 (8): 1513–22. doi:10.1016/j.chemosphere.2006.08.022.

Auty, Richard M. 1994. “Industrial Policy Reform in Six Large Newly Industrializing Countries: The Resource Curse Thesis.” *World Development* 22 (1): 11–26. doi:10.3868/s110-003-014-0039-x.

———. 1999. “The Transition from Rent-Driven Growth to Skill-Driven Growth: Recent Experience of Five Mineral Economies.” In *Development Policies in Natural Resource Economies*, edited by Jorg Maier, Brian Chambers, and Ayisha Farooq. Cheltenham: Edward Elgar.

———. 2001. “The Political Economy of Resource-Driven Growth.” *European Economic Review* 45 (2001): 839–46.

Ayee, Joseph R.A. 2012. “Politicians and Bureaucrats as Generators of Public Policy in Ghana.” In *The Public Policy Making Process in Ghana: How Politicians and Civil Servants Deal with Public Problems*, edited by Frank L.K. Ohemeng, Barbara W. Carroll, Joseph R.A. Ayee, and Alexander Bilson Darku. New York: The Edwin Mellen Press.

Ayee, Joseph R A. 1996. “Ghana’s Return to Constitutional Rule.” *120 Africa Insight* 26 (2).

Babbie, Earl, and Allen Rubin. 2011. *Research Methods for Social Work*. Seventh. California: Brooks/Cole, Censage Learning.

Badgley, Christiane. 2012. “West Africa Oil Boom Overlooks Tattered Environmental Safety Net.” http://www.ghanaoilwatch.org/index.php/ghana-oil-and-gas-news/351-west-africa-oil-boom-overlooks-tattered-environmental-safety-net-christiane-badgley.

Baker, Sarah Elsie, and Rosalind Edwards. 2012. “How Many Qualitative Interviews Is Enough? Expert Voices and Early Career Reflections on Sampling and Cases in Qualitative Research.”

Ball, Stephen J. 1993. “What Is Policy? Texts, Trajectories and Toolboxes.” 13 (2): 10–17.

Barbier, Edward B. 2003. “The Role of Natural Resources in Economic Development.” *Australian Economic Papers* 42 (2): 253–72. doi:10.1111/1467-8454.00198.

Bawole, Justice Nyigmah. 2013. “Public Hearing or ‘Hearing Public’? An Evaluation of the Participation of Local Stakeholders in Environmental Impact Assessment of Ghana’s Jubilee Oil Fields.” *Environmental Management* 52 (2013): 385–397.

Bell, Derek. 2004. “Environmental Justice and Rawls’ Difference Principle.” *Environmental Ethics* 26 (7): 287–306. doi:10.5840/enviroethics200426317.

Bonsu, Osei Dickson. 2011. “The Legal and Institutional Framework for Administering Offshore Petroleum Resources in Ghana | Feature.” *Myjoyonline.com*. http://opinion.myjoyonline.com/pages/feature/201106/67867.php.

Boohene, Rosemond, and James Atta Peprah. 2011. “Women, Livelihood and Oil and Gas Discovery in Ghana: An Exploratory Study of Cape Three Points and Surrounding Communities.” *Journal of Sustainable Development* 4 (3): 185–96. doi:10.5539/jsd.v4n3p185.

Boschini, Anne D., Jan Pettersson, and Jesper Roine. 2007. “Resource Curse or Not: A Question of Appropriability.” *Scandinavian Journal of Economics* 109 (3): 593–617. doi:10.1111/j.1467-9442.2007.00509.x.

Briggle, Adam, and Carl Mitcham. 2012. *Ethics and Science: An Introduction*. *Cambridge University Press*. New York: Cambridge University Press.

Brunnschweiler, Christa N., and Erwin H. Bulte. 2008. “The Resource Curse Revisited and Revised: A Tale of Paradoxes and Red Herrings.” *Journal of Environmental Economics and Management* 55 (3): 248–64. doi:10.1016/j.jeem.2007.08.004.

Bryant, Bunyan. 1995. *Environmental Justice: Issues, Policies, and Solutions*. Covello, CA: Island Press.

Buckle, Felicity, and Bernice Sam. 2017. “Dialogue and Development in Ghana’s Oil and Gas Region.” *DAI Online Publications*. Accessed September 28. http://dai-global-developments.com/articles/dialogue-and-development-in-ghanas-oil-and-gas-region/.

Bulte, Erwin, and Richard Damania. 2008. “Resources for Sale: Corruption, Democracy and the Natural Resource Curse.” *The B.E. Journal of Economic Analysis & Policy* 8 (1): 1–37. doi:10.2202/1935-1682.1890.

Callewaert, John. 2011. “Environmetal Ethics and Environmental Justice.” In *Environmental Crisis: Working for Sustainable Knowledge and Environmental Justice*, edited by Bunyan Bryant. New York: Morgan James Publishing.

Center for Policy Analysis. 2012. “Evidence of the Dutch Disease.” Accra. doi:10.1103/PhysRevLett.95.074501.

Civil Society Platform of Oil and Gas. 2017. “CSPOG Ghana – Civil Society Platform of Oil and Gas.” *Cspog.org*. Accessed October 18. http://cspogghana.com/.

Clark, Susan G. 2002. *The Policy Process: A Pratical Guide for the Natural Resourtce Professionals*. New Haven and London: Yale University Press.

Collier, Paul, and Anke Hoeffler. 2009. “Testing the Neocon Agenda: Democracy in Resource-Rich Societies.” *European Economic Review* 53 (3): 293–308. doi:10.1016/j.euroecorev.2008.05.006.

Corden, W. Max. 1984. “Booming Sector and Dutch Disease Economics: Survey and Consolidation.” *Oxford Economic Papers, New Series* 36 (3): 359–80.

Crowson, Phillip. 2009. “The Resource Curese: A Modern Myth?” In *Mining, Society, and a Sustainable World*, edited by Jeremy P Richards, 3–36. Heidelberg, Berlin: Springer-Verlag.

CWC Group. 2015. “TEN Project Ghana (Tweneboa, Enyenra and Ntomme) at the Ghana Summit.” http://www.cwcghana.com/ten-project/.

Davis, Graham A., and John E. Tilton. 2005. “The Resource Curse.” *Natural Resources Forum* 29 (2005): 233–242. doi:10.1080/05679320500129037.

Donkor, A.K., J C. Bonzongo, V. K. Nartey, and D. K. Adotey. 2006. “Mercury in Different Environmental Compartments of the Pra River Basin, Ghana.” *The Science of the Total Environment* 368 (1): 164–76. doi:10.1016/j.scitotenv.2005.09.046.

Dung, Elisha Jasper, Leonard S. Bombom, and Tano D. Agusomu. 2008. “The Effects of Gas Flaring on Crops in the Niger Delta, Nigeria.” *GeoJournal* 73 (4): 297–305. doi:10.1007/s10708-008-9207-z.

Enquirer. 2010. “Kosmos Bullies Govt Over ¢400bn Fine | General News 2010-09-21.” *Ghanaweb.com*. https://www.ghanaweb.com/GhanaHomePage/NewsArchive/Kosmos-Bullies-Govt-Over-400bn-Fine-190709#.

Environmental Protection Agency. 2017. “About Us | Environmental Protection Agency, Ghana.” Accessed February 20. http://www.epa.gov.gh/epa/about.

———. 1999. *Environmental Assessment Regulations 1999 (LI 1652)*. Ghana.

———. 2011. “Offshore Oil and Gas Development in Ghana: Guidelines on Environmental Assessment and Management.” Accra: Environmental Protection Agency.

EPA. 2017. “Petroleum Department.” http://epaoilandgas.org/about-us.html.

Fair Wages and Salaries Commission. 2013. “Fact Sheet.” http://fairwages.gov.gh/component/option,com_jefaq/Itemid,30/view,faq/.

Felipe, Jesus, Arnelyn Abnon, and Utsav Kumar. 2012. “Tracking the Middle-Income Trap: What Is It, Who Is in It, and Why?” 715. New York.

Ferguson, James. 2005. “Seeing like an Oil Company: Space, Security, and Global Capital in Neoliberal Africa.” *American Anthropologist* 107 (3): 377–82. doi:10.1525/aa.2005.107.3.377.

Fernández-luqueño, Fabián, Fernando López-valdez, Prócoro Gamero-melo, Silvia Luna-Suarez, Elsa Nadia Aguilera-gonzález, Arturo I Martínez, María del Socorro García-Guillermo, et al. 2013. “Heavy Metal Pollution in Drinking Water - a Global Risk for Human Health : A Review.” *African Journal of Environmental Science and Technology* 7 (7): 567–84. doi:10.5897/AJEST12.197.

Figueroa, Robert Melchior. 2008. “Environmental Justice.” *The Encyclopedia of Environmental Ethics and Philosophy*. Thompson Gale.

Figueroa, Robert, and Claudia Mills. 2001. “Environmental Justice.” In *A Companion to Environmental Philosophy*, 426–38. Massachusett: Blackwell Publishers.

Fredericks, Sarah. 2012. “Environmental Justice Indicators.” *The Berkshire Encyclpedia of Sustainability*. Berkshire Publishing Group.

Fredericks, Sarah E. 2012. “Justice in Sustainability Indicators and Indexes.” *International Journal of Sustainable Development & World Ecology* 19 (6): 490–99.

Friedrich-Ebert-Stiftung. 2011. *The Structure of the Ghanaian State*. Accra: Friedrich-Ebert-Stiftung Ghana.

Gadamer, Hans Georg. 2004. *Truth and Method*. Edited by Trans. revised by Joel Weinsheimer and Donald G. Marshall. Second rev. London and New York: continuum impacts. doi:Article.

Gavin, Michael. 1993. “Adjusting to a Terms of Trade Shock: Nigeria, 1972–88.” In *Policymaking in the Open Economy*, edited by Dornbusch Rudiger. Oxford: Oxford University Press.

Gelb, Alan H. 1988. *Oil Windfalls: Blessing or Curse?* New York: Oxford University Press.

Ghana Web. 2014. “Gov’t Holds Fruitful Discussions with IMF.” http://www.ghanaweb.com/GhanaHomePage/NewsArchive/artikel.php?ID=331187.

Ginsburg, Norton. 1957. “Natural Resources and Economic Development.” *Annals of the Association of American Geographers* 47 (3): 197–212.

Glaeser, Edard L., Rafael La Porta, Florencio Lopez-De-Silanes, and Andrei Shleifer. 2004. “Do Institutions Cause Growth?” *Journal of Econnomic Growth* 9 (2): 271–303.

Glazebrook, Trish, and Anthony Kola-olusanya. 2011. “Justice , Conflict , Capital , and Care : Oil in the Niger Delta,” 163–84.

Glazebrook, Trish, and Matt Story. 2012. “The Community Obligations of Canadian Oil Companies: A Case Study of Talisman in the Sudan.” In *Corporate Social Irresponsibility: A Challenging Concept*, edited by Brian Jones, Ralph Tench, and William Sun, 231. Bingley, UK: Emerald Group Publishing.

Gottlieb, Robert. 1993. *Forcing the Spring: The Transformation of the American Environmental Movement*. Washington, D.C.: Island Press.

Government of Ghana. 2015. “The Budget Speech of the Budget Statement and Economic Policy of the Government of Ghana.” Accra.

———. 2017. “The Budget Statement and Economic Policy of the Government of Ghana for the Financial Year 2017.” Accra.

Gylfason, Thorvaldur. 2001. “Natural Resources, Education, and Economic Development.” *European Economic Review* 45 (4–6): 847–59. doi:10.1016/S0014-2921(01)00127-1.

Gylfason, Thorvaldur, Herbertsson Thor Tryggvi, and Zoega Gylfi. 1999. “A Mixed Blessing: Natural Resources and Economic Growth.” *Macroeconomic Dynamics* 3 (2): 204–25. doi:10.1017/S1365100599011049.

Hirschman, Albert O. 1958. *The Strategy of Economic Development*. New Haven: Yale University Press.

Hodgson, Geoffrey M. 2006. “What Are Institutions?” *Journal of Economic Issues* 40 (1–25).

Humphreys, Macartan., Jeffrey. Sachs, and Joseph E. Stiglitz. 2007. *Escaping the Resource Curse*. New York: Columbia University Press.

IMF. 2004. “Ghana: Enhanced Initiative for Heavily Indebted Poor Countries - Completion Point Document - IMF Country Report No. 04/209.” Washington, D.C.

Institute for Fiscal Studies. 2014. “Ghana: A Review of the 2015 Budget.” Occasional Paper No. 1. Accra.

International Finance Corporation. 2006. “International Finance Corporation’s Performance Standards on Social and Environmental Sustainability.” Washington, DC: International Finance Corporation.

———. 2007. “International Finance Corporation’s Guidance Notes: Performance Standards on Social and Environmental Sustainability.” Washington, DC: International Finance Corporation.

International Maritime Organisation. 2017. “International Convention for the Prevention of Pollution from Ships (MARPOL).” *Imo.org*. http://www.imo.org/en/about/conventions/listofconventions/pages/international-convention-for-the-prevention-of-pollution-from-ships-(marpol).aspx.

Jütting, Johannes. 2003. “Institutions and Development: A Critical Review.” 210. DEV/DOC(2003)08. doi:10.1787/341346131416.

Kapela, Jared M. 2009. “Ghana’s New Oil: Cause for Jubilation or Prelude to the Resource Curse.” Duke University.

Karl, Terry Lynn. 1997. *The Paradox of Plenty: Oil Booms and Petro-States*. Studies in International Political Economy. Berkeley: University of California Press.

———. 1999. “The Perils of the Petro-State: Reflections on the Paradox of Plenty on JSTOR.” *Journal of International Affairs* 53 (1): 31–48.

KPMG. 2013. “Monitoring African Sovereign Risk: Ghanaian Snapshot.” Parrl, South Africa.

Kupecek, David. 1995. “The United Nations Convention on the Law of the Sea.” Vol. 1 (5). *E&D File*. Treaty Series. Geneva.

Kvale, Steinar. 1983. “The Qualitative Research Interview: A Phenomenological and Hermeneutical Mode of Understanding.” *Journal of Phenomenological Psychology* 14 (2): 171–96.

Kwawukume, Solomon. 2015. “Four Years of Oil Production in Ghana under the Modern Concession System: An Independent Operational Result, 2010 – 2014.” *Ghana Oil Watch*. http://ghanaoilwatch.org/index.php/ghana-oil-and-gas-news/3739-four-years-of-oil-production-in-ghana-under-the-modern-concession-system-an-independent-operational-result-2010-2014.

Lane, Philip, and Aaron Tornell. 1999. “The Voracity Effect.” *American Economic Review* 89: 22–46.

Lawson, Elaine Tweneboah, and Gloria Bentil. 2013. “Shifting Sands: Changes in Community Perceptions of Mining in Ghana.” *Environment, Development and Sustainability* 16 (1): 217–38. doi:10.1007/s10668-013-9472-y.

Lederman, Daniel, and William F. Maloney. 2008. “In Search of the Missing Resource Curse.” *Economía* 9 (1): 1–56. doi:10.1353/eco.0.0012.

McFerson, Hazel M. 2009. “Governance and Hyper-Corruption in Resource-Rich African Countries.” *Third World Quarterly* 30 (8): 1529–47. doi:10.1080/01436590903279257.

Mcgillivray, Mark. 1991. “The Human Development Index: Yet Another Redundant Composite Development Indicator?” *World Development* 19 (10): 1461–68.

MESTI. 2014. “National Environment Policy.” Accra: Government of Ghana.

———. 2017. “Functions | Ministry of Environment, Science, Technology, and Innovation.” *Http://mesti.gov.gh*. http://mesti.gov.gh/functions/.

Ministry of Energy. 2010. “National Energy Policy.” Accra: Government of Ghana.

———. 2017a. “Brief Background | Ministry of Energy.” http://www.energymin.gov.gh/brief-background.

———. 2017b. “Ministry of Energy.” http://www.energymin.gov.gh/.

Mohammed, Abdulai Kuyini. 2015. “Ghana’s Policy Making: From Elitism and Exclusion to Participation and Inclusion?” *International Public Management Review* 16 (1): 42–66.

Momade, Francis W.Y., and Grace S. Darabor. 2007. “Preliminary Studies on the Water Quality of the Active Areas of the Ashanti Gold Belt.” In *ERTEP Conference, 17-19 Jul 2007, Accra, Ghana.*

National Development Planning Commission. 2015. “About Us | NDPC.” *Http://www.ndpc.gov.gh*. http://www.ndpc.gov.gh/about/.

Neary, Jean Peter, and Sweder van Wijnbergen. 1986. *Natural Resources and the Macroeconomy*. Edited by Jean Peter Neary and Sweder van Wijnbergen. MIT Press.

Neumayer, Eric. 2001. “The Human Development Index and Sustainability — A Constructive Proposal.” *Ecological Economics* 39 (1): 101–14. doi:10.1016/S0921-8009(01)00201-4.

Noonan, Douglas S. 2008. “Evidence of Environmental Justice: A Critical Perspective on the Practice of EJ Research and Lessons for Policy Design.” *Social Science Quarterly* 89 (5): 1153–74. doi:10.1111/j.1540-6237.2008.00568.x.

Norad. 2016. “The Oil for Development Programme in Ghana.” https://www.norad.no/en/front/thematic-areas/oil-for-development/where-we-are/ghana/.

Novotny, Patrick. 2000. *Where We Live, Work and Play: The Environmental Justice Movement and the Struggle for a New Environmentalism*. London: Praeger.

Nurske, Ragnar. 1958. “Trade Fluctuations and Buffer Policies of Low-Income Countries.” *Kyklos* 11 (2): 141–54.

Nwaugo, V O, R.A Onyeagba, and N C Nwahcukwu. 2006. “Effect of Gas Flaring on Soil Microbial Spectrum in Parts of Niger Delta Area of Southern Nigeria.” *African Journal of Biotechnology* 5 (October): 1824–26.

Nyavor, George. 2016. “Kata Oil and Gas Exploration Deal ‘Finalized.’” http://m.myjoyonline.com/marticles/opinion/keta-oil-and-gas-exploration-deal-finalised.

Ohemeng, Frank L.K., and Joseph R.A. Ayee. 2012. “Public Policy Making: The Ghanaian Context.” In *The Public Policy Making Process in Ghana: How Politicians and Civil Servants Deal with Public Problems*, edited by Frank L.K. Ohemeng, Barbara W. Carroll, Joseph Ayee, and Alexander Bilson Darku, 19–52. New York: The Edwin Mellen Press.

Ohemeng, Frank L.K., Barbara W. Carroll, and Terrance Carroll. 2012. “Introduction.” In *The Public Policy Making Process in Ghana: How Politicians and Civil Servants Deal with Public Problems*, edited by Frank L.K. Ohemeng, Barbara W. Carroll, Joseph R.A. Ayee, and Alexander Bilson Darku, 1–18. New York: The Edwin Mellen Press.

Okyenhene, Osagyefo Amoatia Ofori Panyin. 2010. “Chiefs and Traditional Authorities and Their Role in the Democratic Order and Governance.” 9. Constitutional Review Series. Accra.

Papyrakis, Elissaios, and Reyer Gerlagh. 2004. “The Resource Curse Hypothesis and Its Transmission Channels.” *Journal of Comparative Economics* 32 (1): 181–93. doi:10.1016/j.jce.2003.11.002.

Pendergast, Shannon M., Judith A. Clarke, and Cornelis G. van Kooten. 2011. “Corruption, Development and the Curse of Natural Resources.” *Canadian Journal of Political Science* 2 (44): 411–37.

Prebisch, Raul. 1950. *The Economic Development of Latin America and Its Principal Problems*. Lake Success, N.Y: United Nations.

Radnitzky, Gerard. 1970. *Contemporary Schools of Metascience*. Second rev. New York: Humanities Press.

Ranis, Gustav, Frances Stewart, and Alejandro Ramirez. 2000. “Economic Growth and Human Development.” *World Development* 28 (2): 197–219. doi:10.1016/S0305-750X(99)00131-X.

Rawls, John. 1971. *A Theory of Justice*. New York: Oxford University Press.

Republic of Ghana. 1992. *Constitution of the Republic of Ghana 1992*. Ghana.

———. 1993. *Civil Service Act 1993 (PNDCL 327)*. Ghana.

———. 1994a. *Environmental Protection Agency Act, 1994, ACT 490*. Ghana.

———. 1994b. *National Development Planning (System) Act, 1994, Act 480*.

———. 1994c. *National Development Planning Commission Act, 1994, Act 479*.

———. 1997. *Energy Commission ACT, 1997, ACT 541*.

———. 1999. *Environmental Assessment Regulations 1999*.

———. 2011a. *Petroleum Commission Act, 2011, ACT 821*.

———. 2011b. *Petroleum Revenue Management Act, 2011*.

———. 2013. *Petroleum (Local Content and Local Participation) Regulations, 2013*.

———. 2016. *Petroleum (Exploration and Production) Act, 2016 ACT 919*.

Reuters. 2015. “Ghana’s New Oil Fields to Start Production on Schedule next Year - Tullow | Reuters.” http://www.reuters.com/article/2015/01/29/ghana-oil-production-idUSL6N0V872120150129.

Ricoeur, Paul. 1973. “The Model of the Text: Meaningful Action Considered as a Text.” *New Literary History* 5 (1).

Robinson, James A., Ragnar Torvik, and Thierry Verdier. 2006. “Political Foundations of the Resource Curse: A Simplification and a Comment.” *Journal of Development Economics* 79 (2006): 447–68. doi:10.1016/j.jdeveco.2013.09.004.

Rodrik, Dani, Arvind Subramanian, and Francesco Trebbi. 2004. “Institutions Rule: The Primacy of Institutions Over Geography and Integration in Economic Developmen.” *Journal of Economic Growth* 9 (2): 131–65.

Ross, Michael L. 1999. “The Political Economy of the Resource Curse.” *World Politics* 51 (2): 297–322.

———. 2001. *Timber Booms and Institutional Breakdown in Southeast Asia*. New York: Cambridge University Press.

Rugraff, Eric, Diego Sanchez-Ancochea, and Andy Sumner. 2009. “What Do We Know About the Development Impacts of TNCs?” In *Transnational Corporations and Development Policy: Critical Perspectives*, edited by Eric Rugraff, Diego Sanchez-Ancochea, and Andy Sumner, 29–55. London: Palgrave Macmillan.

Sachs, Jeffrey D., and Andrew M. Warner. 1995. “Natural Resource Abundance and Economic Growth.” *NBER Working Paper Series 5398*. Cambridge, Massachusetts. doi:10.3386/w5398.

———. 2001. “Natural Resources and Economic Development: The Curse of Natural Resources.” *European Economic Review* 45 (4–6): 827–38. doi:10.1016/S0014-2921(01)00125-8.

Sagar, Ambuj D, and Adil Najam. 1998. “The Human Development Index: A Critical Review.” *Ecological Economics* 25 (3): 249–64. doi:10.1016/S0921-8009(97)00168-7.

Sakyi, P A, J K Efavi, and R Asare. 2012. “Ghana ’ S Quest for Oil and Gas : Ecological Risks and Management Frameworks.” *West African Journal of Applied Ecology* 20 (1): 57–72.

Schiffman, Howard S. 2010. “International Law and the Protection of the Marine Environment.” *Encyclopedia of Life Support Systems (Sample Chapters)*. UNESCO-EOLSS.

Schlosberg, David. 2004. “Reconceiving Environmental Justice: Global Movements And Political Theories.” *Environmental Politics* 13 (3): 517–40. doi:10.1080/0964401042000229025.

———. 2007. *Defining Environmental Justice*. Oxford: Oxford University Press.

Sen, Amartya. 2009. *The Idea of Justice* . *The Belknap Press of Harvard University Press Cambridge, Massachusetts*.

Shaxson, Nicholas. 2007. “Oil , Corruption and the Resource Curse” 83 (6): 1123–40.

Shiva, Vandana. 1993. “The Impoverishment of the Environment: Women and Children Last.” In *Ecofeminism*, edited by Maria Mies and Vandana Shiva. Atlantic Highlands, NJ: Zed Books.

Shrader-Frechette, Kristin. 2002. *Environmental Justice: Creating Equality, Reclaiming Democracy*. Oxford: Oxford University Press.

Singer, Hans.W. 1950. “The Distribution of Gains Between Borrowing and Investing Nations.” *American Economic Association* 40 (2): 473–85.

Smith, Jeff. 2010. “New Oil--and a Huge Challenge--for Ghana.” *National Geographic News*. https://news.nationalgeographic.com/news/energy/2010/12/1012115-oil-ghana-environment-jubilee/.

Stanton, Elizabeth A. 2007. “The Human Development Index: A History.” 127. Amherst MA.

Stewart, David W. 2014. “What Is Policy? And Why It Matters.” *Journal of Public Policy & Marketing* 33 (1): 1–3.

Szirmai, Adam. 2012. “Industrialisation as an Engine of Growth in Developing Countries, 1950–2005.” *Structural Change and Economic Dynamics* 23 (4): 406–20. doi:10.1016/j.strueco.2011.01.005.

Torvik, Ragnar. 2011. “The Political Economy of Reform in Resource-Rich Countries.” In *Beyond the Curse: Policies to Harness the Power of Natural Resources*, edited by Rabah Arezki, Thorvaldur Gylfason, and Amadou Sy, 288. Washington, D.C., USA: International Monetary Fund.

Tullow Ghana Limited. 2009. “Ghana Jubilee Field Phase 1 Development Draft Non Technical Executive Summary of Environmental Impact Statement.” Accra.

U.S. Environmental Protection Agency. 2017. “Learn About Environmental Justice.” *Epa.gov*. Accessed January 19. https://www.epa.gov/environmentaljustice/learn-about-environmental-justice.

UNDP. 2015. “Human Development Report 2015: Work for Human Development.” New York .

United Nations. 1994. *United Nations Convention on the Law of the Sea*. *Un.org*. United Nations.

———. 2012. “World Economic Situation and Prospects 2012.” New York.

US Geological Survey. 2013. “2011 Minerals Year Book:Ghana [Advance Release].”

USEPA. 2017. “Environmental Justice.” *Www.epa.org*. Accessed October 12. https://www.epa.gov/environmentaljustice.

Walker, Gordon. 2012. *Environmental Justice: Concepts, Evidence and Politics*. New York: Routledge.

Walsh, Christoph. 2017. “Social Impacts of New Radio Markets in Ghana: A Dynamic Structural Analysis.” *Walshc.github.io*. https://walshc.github.io/research/ghana_radio.pdf.

Waring, Marilyn. 1988. *If Women Counted: A New Feminist Economics*. New York: Harper & Row.

———. 1999. *Counting for Nothing: What Men Value and What Women Are Worth*. Toronto: University of Toronto Press.

Winter-Nelson, Alex. 1995. “Natural Resources, National Income, and Economic Growth in Africa.” *World Development* 23 (9): 1507–19. doi:10.1016/0305-750X(95)00067-M.

World Bank. 2013. “International Development Association/International Finance Corporation Multilateral Investment Guarantee Agency Country Partnership Strategy For The Republic Of Ghana For The Period FY13-FY16 - Report No. 76369-GH.” Washington DC.

Yelpaala, Kaakpema. 2004. “Mining, Sustainable Development, and Health in Ghana The Akwatia Case-Study Kaakpema.” Accra.